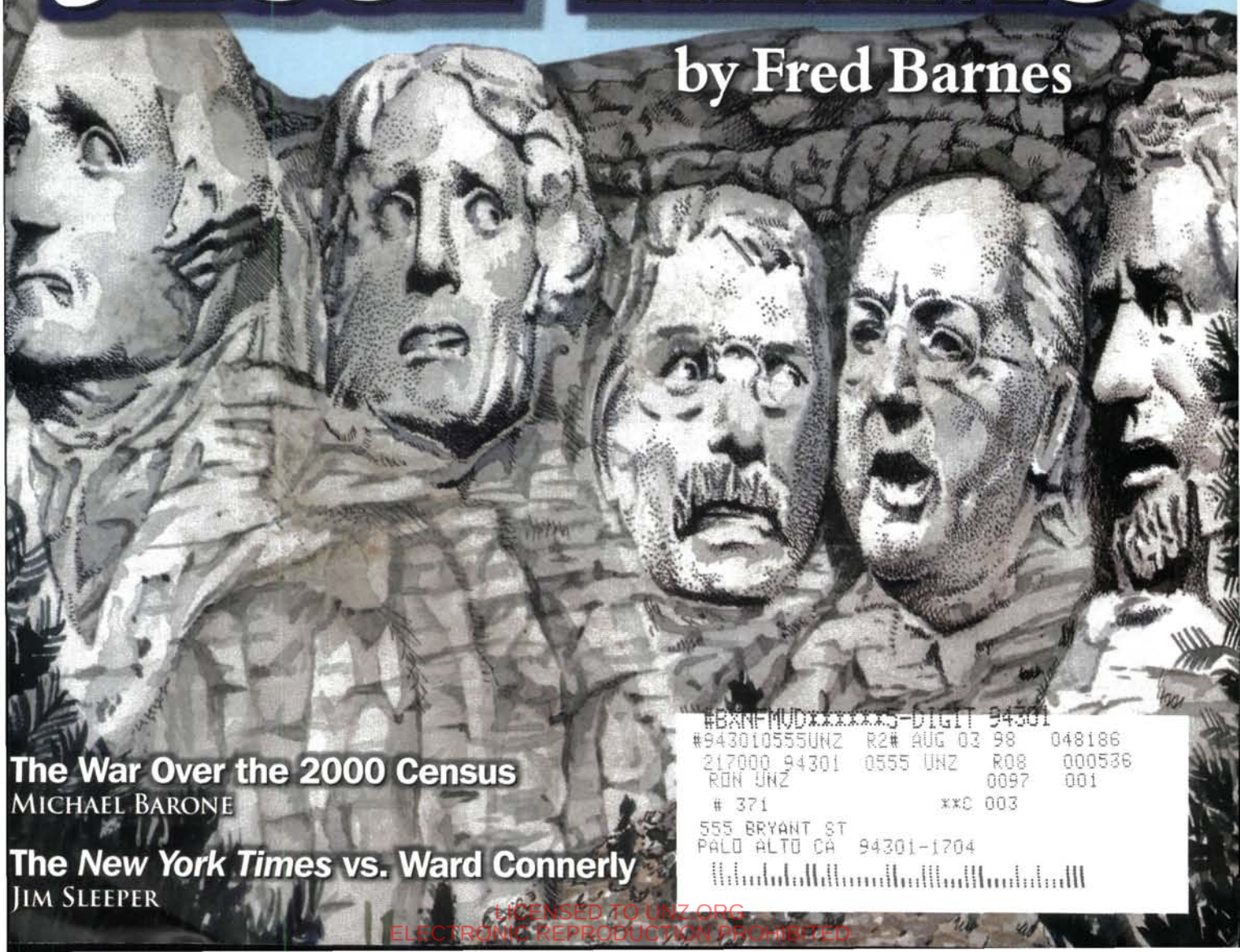
ATTACKING TOBACCO FOR PIETY AND PROFIT
CHRISTOPHER CALDWELL

the weekly
Standard

AUGUST 11, 1997 $2.95

THE ASCENDANCY OF JESSE HELMS

by Fred Barnes



The War Over the 2000 Census
MICHAEL BARONE

The *New York Times* vs. Ward Connerly
JIM SLEEPER

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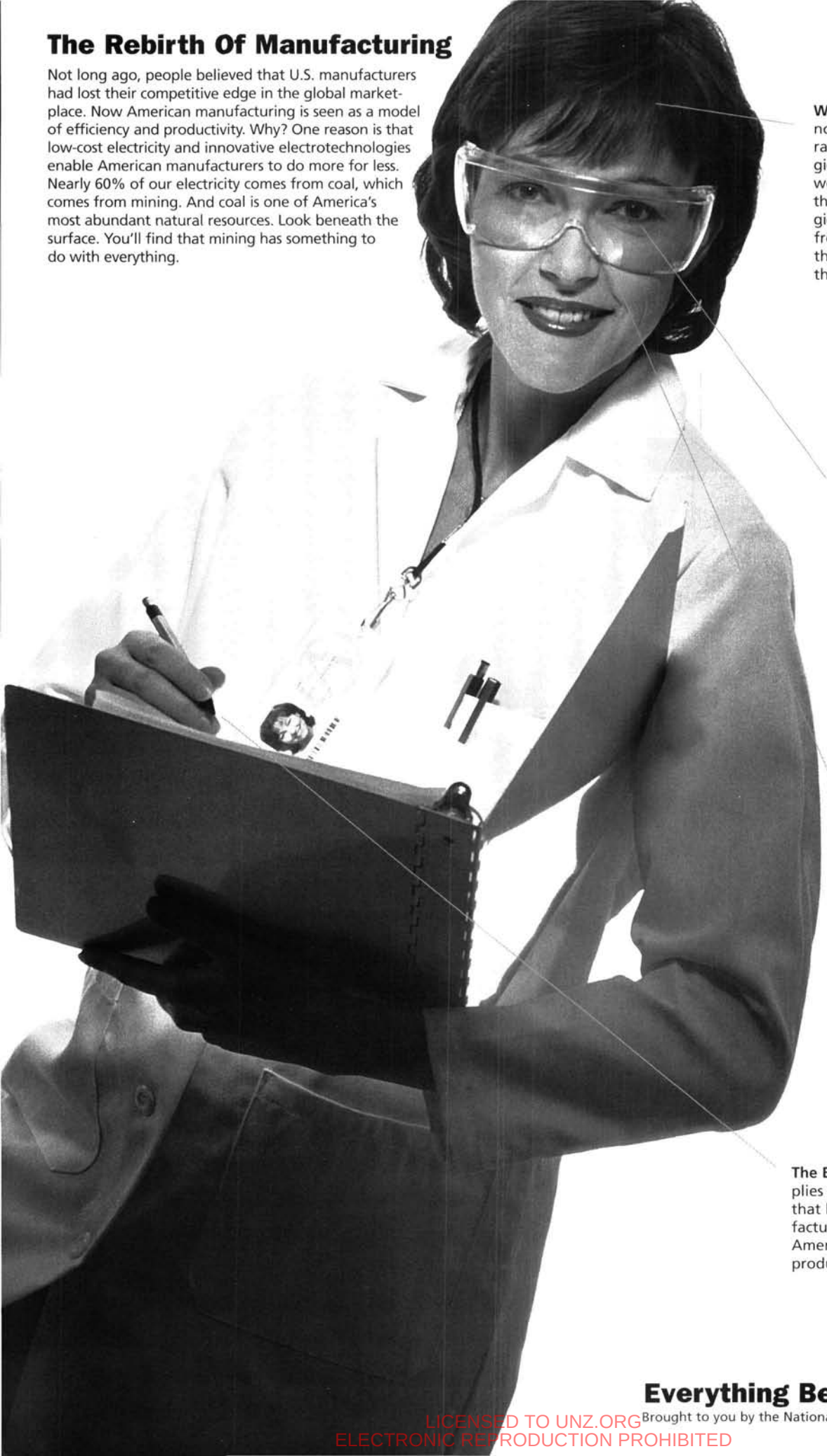

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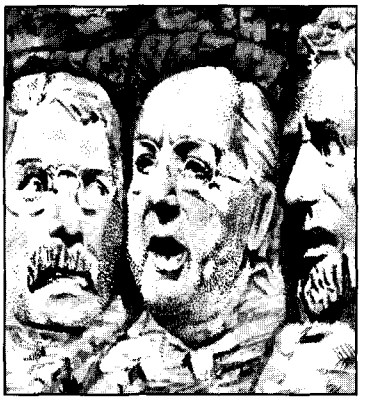

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THE WEEKLY STANDARD (ISSN 1083-3013) is published weekly, except for the first week of January and the first week of September, by News America Publishing Incorporated, 1211 Avenue of the Americas, New York, NY, 10036. Periodicals postage paid at New York, NY, and at additional mailing offices. Send subscription orders to THE WEEKLY STANDARD, P.O. Box 96153, Washington, DC 20090-6153. Yearly subscriptions, $79.96; Canadian, $99.96; foreign postage extra. Cover price, $2.95 ($3.50 Canadian). Back issues, $3.50 (includes postage and handling). Subscribers: Please send all remittances, address changes, and subscription inquiries to: THE WEEKLY STANDARD, Customer Service, P.O. Box 710, Radnor, PA 19088-0710. If possible include your latest magazine mailing label. Allow 3 to 5 weeks for arrival of first copy and address changes. For subscription customer service, call 1-800-983-7600. Send manuscripts and letters to the editor to THE WEEKLY STANDARD, 1150 17th Street, N.W., Suite 505, Washington, DC 20036-4617. Unsolicited manuscripts must be accompanied by a stamped, self-addressed envelope. The Weekly Standard Advertising Sales Office in Washington, DC, is (202) 293-4900. Advertising Production: call Natalie Harwood, (610) 293-8540. Postmaster: Send address changes to THE WEEKLY STANDARD, P.O. Box 930, Radnor, PA 19088-0930. Copyright 1996, News America Publishing Incorporated. All rights reserved. No material in THE WEEKLY STANDARD may be reprinted without permission of the copyright owner. THE WEEKLY STANDARD is a trademark of News America Publishing Incorporated.

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More Mush from the Wimps

There's plenty to complain about in the "balanced" budget deal, but one thing stands out: welfare. So eager were House speaker Newt Gingrich and Senate majority leader Trent Lott to seal the deal that they capitulated to Clinton-administration demands whose effect will be to undo last year's historic welfare reform.

The Republican cave-in took place during budget negotiations on Saturday, July 26. White House chief of staff Erskine Bowles told Gingrich that Clinton would veto the entire budget-balancing tax-cutting package unless Republicans removed this one little welfare-related provision that would undo mischief perpetrated by Clinton's labor department.

If you want to ease people off of welfare rolls and into the work force, most reformers agree, it helps to encourage employers to hire them—a sure way being to exempt companies participating in workfare programs from federal regulations like worker's comp and the minimum wage, so that the welfare recipients can be hired and acquire good work habits, without employers' incurring expensive obligations.

After all, if these workers were productive enough to get hired at the minimum wage with all the attendant federally mandated benefits, they wouldn't be on welfare to begin with.

But Clinton's labor department will have none of that—the provision might threaten union workers, you see. So earlier this year, the labor department issued rules that mandate full benefits to welfare recipients in work programs—in effect, outlawing welfare-to-work reforms.

Gingrich once argued against this, as did most other Republicans and many Democrats. But faced with the prospect of confrontation, the Republican leaders relented. In return, Clinton was supposed to release a letter suspending the labor rules for nine months. But when Republicans asked about the letter the next day, they were told no such letter would be written. Even in the face of this welshing, Gingrich and Lott opted not to make a fuss.

Thompson's Mug Shot

Last week, a Fred Thompson aide sent an e-mail to the Senate Republican staffers on the fund-raising investigation committee announcing that the Senate gift shop would soon start selling a limited number of $7 coffee mugs emblazoned with the words "Fred Thompson, Chairman" and "Special Investigation Staff." The initial run of 40 quickly sold out, and now that orders have been placed for 100 and counting, the price has dropped to $5.45. The Scrapbook's sources insist that this is a volume discount and not an omen.

Our Palestinian Friends

Dennis Ross, the State Department's Middle East envoy, canceled a trip to Israel in the wake of the terrorist attack on a Jerusalem market that left 15 dead and hundreds injured. That was okay by Abdel Aziz Shaheen, the supply minister in Yasser Arafat's cabinet. As he told the *Washington Post*'s Barton Gellman: "You Americans are the worst mediators in history. I want Mr. Ross to go to hell. I ask God to take him straight to hell. We know the Soviets are finished, but you are not the sole governor of the world. You are imperialists, even now. All the world forgets this word, but I do not. [Ross says,] 'Be flexible, take it easy.' Son of a bitch!"

Minister Shaheen is one of those Palestinians who we suppose would be described, in the parlance of diplomats like Ross, as a moderate—State Department code for "not yet caught with a bomb."

No Smoking Please, We're Catamites

Tony Blair's government has just voted to *raise* (to 18) the minimum age at which British subjects are allowed to smoke, within days of *lowering* (to 16) the age of consent for homosexual sex. The latter was in response to an inquiry from the European Court of Human Rights, which was threatening to bring suit under a European Union rule that the age of consent must be uniform for couplings both AC and DC. So besides truckling to the Eurocrats and, literally, defining deviancy down, Blair continues to steal a march on the Tories, who were thought till now to have a monopoly on mixing politics with kinky sex. So Blair cements his reputation as the Euro-Clinton, and Eng-

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lish boys have to wait two years for that post-prandial smoke.

The End of Bilingual Education

It's not every day that inner-city Hispanics, grassroots conservatives, and liberal activists find themselves on the same team. But these are the troops that have rallied in California to fight bilingual education—one of the many educational fads to begin in that state (like self-esteem mongering) and survive there despite manifest failure, thanks to a politically potent "education" establishment.

Just how politically potent is about to be put to the test. A ballot-initiative campaign called "English for the Children" was kicked off last month. If successful, all instruction in California public schools would be in English (unless parents go out of their way to seek a waiver). If English for the Children volunteers can collect 433,269 signatures on their petitions by Nov. 24, Californians will get to vote on the initiative during special elections next June.

The ballot measure is being jointly promoted by Ron Unz, the maverick Republican who opposed Gov. Pete Wilson in the 1994 primary, and Gloria Matta Tuchman, a famously successful teacher of English to Latino first-graders in Santa Ana. Unz predicted that "bilingual education in California has 11 months of existence left," and polling suggests his prediction is on target. A Center for Equal Opportunity poll last year found that 81 percent of Latino parents prefer that their children's courses be taught in English. Only 12 percent prefer Spanish. A June *Los Angeles Times* poll similarly found that 83 percent of Latino parents in Orange County favor English-language instruction as soon as their children begin school. A paltry 17 percent prefer native-language instruction.

Other political winds are favorable, too. Advocates for immigrants' rights who would once have reflexively backed the bilingual theorists are lining up behind Unz and Tuchman. Alice Callaghan, an Episcopalian priest and director of Las Familias del Pueblo, a skid-row children's center, told a columnist for the weekly *New Times Los Angeles* of her support for the ballot initiative: "This is the first politically incorrect thing I have ever done in my life." According to Callaghan, "the knee-jerk liberal response is that bilingual education helps children, they learn two languages. But in fact these children are learning only one language: Spanish."

Chain Letter

The July 28 letter to the editor titled "Close to Absolute Good" was attributed to Virginia Postrel, the editor of *Reason* magazine, who did not write it. The letter was written by Jeff A. Taylor of Gaithersburg, Maryland, who e-mailed it to Postrel, who forwarded it to her Washington editor, who mistakenly forwarded it to The Weekly Standard as a "letter to the editor" from Postrel on *Reason* stationery. *Reason* regrets the error.

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Casual

Brother of the Bride

Just as there are cat people and dog people, there are wedding people and reception people. Most people, I imagine, belong to the latter category—impatient for the ceremony to be done with, eager for the party to begin. Because that's all a "reception" is, really: a big fat party, only one where certain people are unusually dressed and there is this pestilent clinking of glasses.

I'm a wedding person, in part because there is no end of interesting things to look for: Will the mothers cry, and what will the nature of those tears be? How will the father comport himself as he walks his daughter down the aisle? Will the bridesmaids be fetching, and will there be obvious flirting between them and the groomsmen? The clergyman: Will he be blandly ecumenical or pointedly parochial? In reciting the vows, will the couple be clear and strong, or quavering and uncertain? And the kiss? Will it be brief and chaste, or one of those save-it-for-the-dark numbers?

Then there's the music. You will inevitably hear, as the guests gather, Bach's *Jesu, Joy of Man's Desiring*, whose angelic triplets will be carelessly broken. Rarely now is the bridal march from Wagner's *Lohengrin* used as the processional—it has been hopelessly lampooned as "Here Comes the Bride" ("all fat and white"). Instead, you will likely hear one of three trumpet voluntaries: Purcell, Clarke, or Stanley. If there is singing, it will be a friend of one of the principals, and she will be bad. The recessional presents no end of exciting possibilities: Mendelssohn's march has never ceased to thrill, and, if the organist can handle it, Widor's toccata, taken like the wind, is a knockout.

I had always harbored a touch of a desire—just a touch—to plan a wedding. To actually script and run the thing. But I figured, reasonably enough, that I would never get the chance. Then a strange and wonderful thing happened: My sister—whom I had always taken for a reception person—decided that she would get married. In New Orleans. At a hotel. On July 19. She and her fiancé had but a single question for me: Would I organize and conduct the wedding?

At first, my plans were grand and glorious. I was a kid let loose in the nuptial candy shop. I was going to produce a wedding to end all weddings, a model to the world (or at least to those few attending): impressive yet tasteful, thought-provoking yet blithe, religious yet unobjectionable, informal yet purposeful.

My study was intense. I reflected on the ceremonies of several denominations. I reviewed Scripture. I read poetry. I thought about the wedding at night before drifting off to sleep, and in the morning before rising.

I was going to begin with a little address, to give the "service" a dash of what *The Book of Common Prayer* calls "solemnization." Then there would be copious readings, both secular and not. In due course, a judge—right and proper—would step in and administer the vows.

And the music! It would be done through recordings. That way, you could have whatever you wanted, performed by whomever you wanted. Jessye Norman would be free to sing. And the organ would be played by a great virtuoso, not by Mrs. Brown, the little old lady whom the church can't get rid of because she's a member and has been there forever.

Finally, I got it all together and e-mailed an outline to my sister. When she called back, rather than e-mailing, I suspected there might be a problem. "Uh, Jay?" she said. "Isn't this a little over the top? I mean, we'd like something short and sweet out on the veranda. It's going to be a million degrees. And don't you think that running back and forth from a CD player would be a little . . . well, tacky?"

I had gotten slightly carried away, yes. My sister argued that the word "solemnization"—as in, "We are here to witness the solemnization of a union"—sounded perilously like "sodomization." A half-dozen e-mails ensued between us, but we still couldn't achieve the desired medium: less than a papal ordination, more than wham-bam-thank-you-Pastor.

On the appointed day, we all arrived at the Columns Hotel (where *Pretty Baby*, the soft-kiddie-porn movie, was filmed). The wedding was to begin at 4:00. At 3:50, my sister and I were still negotiating the language of the opening and trying to settle on a Psalm. At about 3:57, she decided what shoes to wear, and I lighted on Psalm 100. The opening, I would more or less wing. We trooped downstairs.

It was hot. Very hot. The bridal party emerged and formed a perfect tableau. The guests, though fanning themselves, seemed rapt. The trolley clanged in the background. The singer, a friend of the bride's, was excellent (spoiling tradition). The white-maned southern judge—straight from central casting—played his part to a tee. After months of deliberation, of debate and delight, the wedding went beautifully.

And the reception, oddly, was nice, too.

Jay Nordlinger

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THE FREEMAN

IDEAS ON LIBERTY

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—Congressman Ron Paul

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Stampeding for Reform

Your article on the so-called Flood Prevention and Family Protection Act ("Who's Endangered Now?," July 28), entirely mischaracterized that bill and my amendment to it. It might have helped if your correspondent, instead of rehashing the floor debate, had actually bothered to read the bill.

Contrary to your report, the bill was not limited to emergency situations. It would have waived the Endangered Species Act for *any* maintenance, rehabilitation, replacement, or even operation of *any* flood-control project. You may think that's a good idea, but it's not what anyone would view as a narrowly tailored, emergency bill—the claim made by its sponsors and your article. Second, the bill would have waived not only the requirement to consult with federal officials in advance of any action, but also the requirement to mitigate any damage *after* the fact.

The article is also dead wrong about my amendment and the similar Senate language that was signed into law. That language does indeed allow exceptions to the Endangered Species Act for emergency work *before* a flood occurs. This is a plain reading of the language, and it requires a willful ignorance (at best) to describe the amendment in any other way.

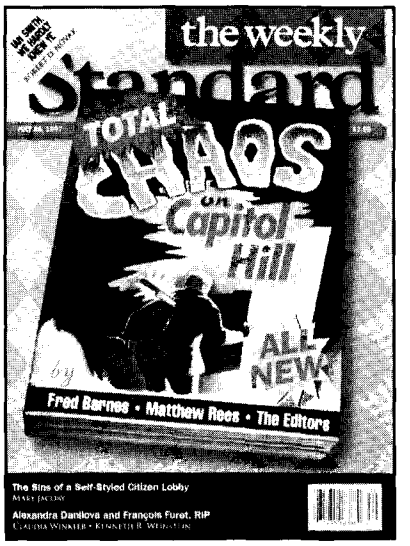
The House had the choice to pass an extraordinarily broad bill that was certain to be vetoed, or to approve an amendment that would actually amend the Endangered Species Act, prevent floods, and get signed into law. Wisely, the House overwhelmingly took the latter road. The Endangered Species Act still needs additional reform, but that ought to be accomplished through open and honest debate. Your article, by simply retailing inaccurate statements from months ago, has done nothing to further the cause of reform.

REP. SHERWOOD BOEHLERT
WASHINGTON, DC

Upon reading Angela Antonelli's "Who's Endangered Now?" (July 28), one is driven to ponder the question: Why is it that when there is even a suspicion that leaving people free might lead to some harm, the government rushes in with laws and regulations that usually make things worse when you take all of their consequences into account; but, conversely, when there is irrefutable proof that government laws and regulations kill people, there is no stampede to repeal or even slightly modify them?

GEORGE C. LEEF
EAST LANSING, MI

ANGELA ANTONELLI RESPONDS: ***As Rep. Boehlert points out, the Pombo-Herger bill does waive the ESA for any reconstructing, operating, maintaining, or repairing of flood-control projects. But he neglected to note that such a waiver would occur only where necessary to***



"address a critical, imminent threat to public health or safety; address a catastrophic natural event; or to comply with Federal, State or local public health or safety requirements." This language was intended to strike a reasonable balance between the need for the protection of human life and that of other species, and it does just that.

Rep. Boehlert's substitute amendment and the similar Senate language are full of extreme limitations and constraints that simply reflect the fact that Washington has an incredibly difficult time ceding back to states and localities the power it has grabbed through the ESA. The amendment allows work to be done only in a manner already outlined in complex regulations developed by the U.S. Fish and Wildlife Service for California and only in areas declared federal disaster areas between 1997 and the end of 1998. In addition, federal, not state or local, officials would have the authority to determine when the "necessary emergency repairs" are done and when the exemption no longer applies.

Not Abreast of Benefits

I was saddened that you found Pete Wilson's gubernatorial proclamation publicizing the benefits of breast feeding so funny that you published it as "Not a Parody" (July 28). The nutritional superiority of breast feeding is universally recognized in the medical community. Surely a proclamation is a cost-efficient way for government to address a public health problem—especially one where the needed antidote is publicity about its benefits.

JOSEPH C. SHAPIRO
RIDGEFIELD, CT

Semitic Senescence

Shulamit Reinharz says that "After 2,000 years of nearly total exclusion from the prestigious processes of learning and creating knowledge, Jewish women are ready to take their place at the table" ("Scrapbook," July 28). Unfortunately, Reinharz's timetable of Jewish history seems to be off. Christianity has existed for roughly 2,000 years (hence the current year, 1997 A.D.), but Judaism has thrived for close to 6,000 years. Surely Reinharz did not mean to suggest that Christianity and Judaism are equally long-lived. Before Reinharz can bring Jewish women to the table of "learning and creating knowledge," she should brush up on her dates.

ILANA RON
WASHINGTON, DC

Episcopalian Lite

Tucker Carlson managed to capsulize one of the theological messes that have led to a loss of almost 30 percent of the Episcopal Church's membership ("Gay Rites," July 28).

The Episcopalians have given new meaning to the phrase "brotherly love." The pagan lovefest in

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Philadelphia will be followed by a convocation next month of my soon-to-be-former church, the Evangelical Lutheran Church in America. They will be voting on joint communion with the Church of Henry VIII. As a result, I have chosen to discommunicate myself from the ELCA.

Lost are the good old days of the Lutheran synods, when guidance was congregational and direct, not politicized and hierarchical. Now, they are Episcopalian lite.

LAURENCE G. HAWK
SAN FRANCISCO, CA

LAST ACTION ANTI-HEROES

You argue that Citizen Action—the supposedly squeaky-clean government "watchdog" group funded in fact by boxcars of cash from unions and trial lawyers—is betraying its union paymasters by backing the electric-utility industry's campaign to "go slow" on deregulation ("The Sins of a Self-Styled Citizen Lobby," July 28). To the contrary. Think about it: Who stands to lose if the 100-year-old electric-power monopoly is busted up? Answer: Highly paid labor-union members who man and maintain the high-cost power plants that couldn't compete if there were there a real market for electricity.

Citizen Action betrayed consumers, not labor. It just happens that on the deregulation issue, Big Labor and many big utilities are on the same side.

ELLEN PARIS
FALLS CHURCH, VA

ON HOGWASH AND HOKUM

Chester E. Finn Jr. states that a national academic test is needed to reform U.S. schools and boost student academic achievement ("This Isn't Only a Test," July 21).

Hogwash! Why do we need a national test to improve education? Why does Finn believe that he and some other select few should determine what my children should learn? National testing is merely more hokum foisted upon society by the so-called experts. Give parents the means (tax credits, vouchers, etc.) and allow them to choose the method (private schooling, tutoring, home schooling, etc.), and education will improve. The market does work. It's time for Washington to get out of education.

JIM RONGSTAD
WOODBURY, MN

SANS CIVILIZATION

I enjoyed reading Christopher Caldwell's "Keeping Cool" (Casual, July 28), for I too leave the office to retreat to a home *sans climatisation*. But air conditioning is not nearly what guests miss most about my residence. That dubious honor goes to the television that I gladly scrapped a few years back. Without a TV, there is little danger of becoming a modernist caveman who leaves the cave only for a mad dash to Blockbuster or Taco Bell. Rather, tubeless living allows ample time for pleasing music, refreshing conversation, and lots of relishable reading.

BRETT M. DECKER
ALEXANDRIA, VA

ALL IN THE FAMILY

Christopher Caldwell is too trusting of Michael Lind ("The Meritocracy Dodge," July 14). Lind cites an unidentified Princeton dean as the source of his assertion that at "one Ivy League college" the difference in combined SAT scores between alumni children and other students is 70 points. He then goes on to discuss Harvard's legacy policy, which results in classes in which one-fifth of the students' parents went to Harvard. Evidently, he wishes his readers to believe that the SAT differences are characteristic of Harvard.

The difference in scores is not large. As for Harvard, Lind grossly exaggerates. The Department of Education's Office of Civil Rights study of Harvard admissions in 1990 cleared the university of charges of discrimination against Asian students. Lind cites the report elsewhere for support, but does not tell us that it found a difference of only 35 points on the combined SAT between legacy and non-legacy students (excluding athletes, whose scores were significantly lower). Though the Office of Civil Rights does not provide us with sufficient data to judge, the difference is probably not even statistically significant, even if it would explain a small proportion of the variation in admissions between legacy and other students. In short, one cannot tell whether students are legacy admits based on their SAT scores.

Pace Lind, Harvard does not have a legacy quota. The relatively high admission rate of legacy students is largely a function of their high scores (and other achievements) and a slight preference for them, *other things being equal.*

STANLEY ROTHMAN
NORTHAMPTON, MA

REVIVING THE FUTURE

My vote is betrayed by the House Republicans' lack of agenda, but I'm not surprised. The "Republican revolution" euphoria was too good to last.

The actions of Newt Gingrich suggest that wonderful planners and thinkers are not the best implementers. The thin majority margin, the Democratic propaganda machine, and the opposition's near-total lack of principle are huge mountains to climb. Evidently, the Republicans do not have the experience required of political winners.

One hopes that a generation from now, the conservative principles of thrift, individual responsibility, and personal virtue will be revived, and that welfare policy will be stricter, most annual budgets will balance, and liberalism will be on the wane.

SUSAN F. SCARBOROUGH
MOUNTAIN VIEW, CA

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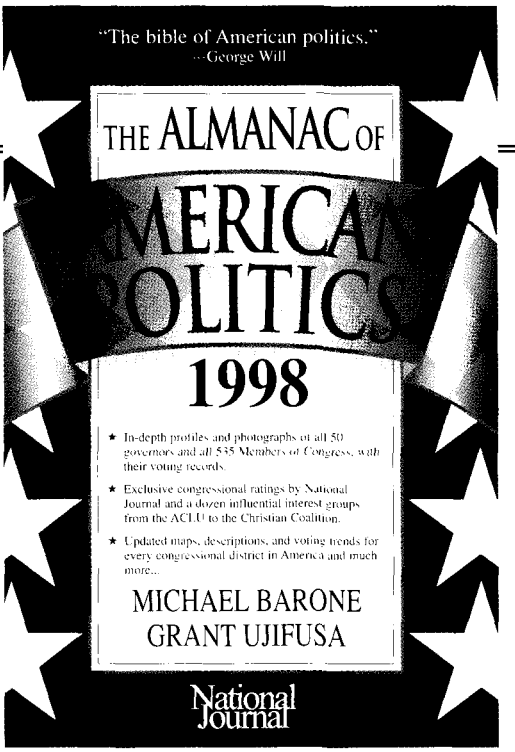

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National Journal

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the weekly Standard

Norma Cantu's Cant

President Clinton has lately been busy, busy, busy bringing us all together for a national conversation on race. And he keeps piling up the words—so that the rest of us might climb his transcripts to a heaven of inter-ethnic healing. Deep inside this Tower of Bubba, of course, the president's lawyers are making practical decisions about race-conscious federal law. Real-world grubbiness like this tends to spoil his intended effect, so Clinton tries to hide it from view. But he is not always successful.

In mid-July, he gave a speech to the National Association of Black Journalists. At the end, he was asked about recent legal setbacks to affirmative action. Last year, a federal appeals court ruled that "diversity" admissions at the University of Texas law school were unconstitutional. This year, obeying orders from the University of California board of regents—and Proposition 209, the anti-preference amendment to the state constitution—three UC law schools abandoned race-conscious admissions. Minority enrollment at the Texas and California campuses will sharply decline as a result. *What*, the questioner wanted to know, was the administration going to do about this?

Clinton said he was "a little stumped" by this "shocking" development. But before he changed the subject, he let slip the truth: His people would "continue to use federal law to the maximum extent we can to promote an integrated educational environment." He had lawyers "looking at it and working on it."

Indeed, he did. Four months ago, Norma Cantu, civil rights chief at the Education Department, wrote Texas officials a letter about *Hopwood* v. *Texas*, the appeals court's law-school ruling. She told them that *Hopwood* applied only narrowly and that every Texas college and university still had a "clear legal obligation" under the 1964 Civil Rights Act to remedy "the effects of past discrimination." If they didn't fulfill that obligation, she suggested—if they obeyed the appeals court and gave up race preferences—then the Education Department might withhold their federal funding.

A novel theory, to be sure. And much too candid an expression of Clintonian design. So acting Justice Department solicitor general Walter Dellinger wrote an exquisitely delicate memorandum to the Education Department's top lawyer, Judith Winston. Um, he noted, "It appears that some confusion has arisen about the position of the United States" concerning whether Norma Cantu or the courts get to decide what the Constitution says. The right answer is the courts, Dellinger acknowledged, however grievously mistaken they might be. Cantu should back down.

Which she then appeared to do. But it was "not a complete reversal," her spokesman argued. "It's merely a clarification, and I think it doesn't dramatically change our position." It wasn't clear what this meant.

Now it is clear. On March 19, Norma Cantu's former outfit, the Mexican American Legal Defense and Educational Fund (MALDEF), filed a civil rights complaint with her office. Because the University of California no longer grants race preferences to its law-school applicants, admissions decisions turn more than ever on objective measurements of academic performance. Non-white students have generally lower test scores and grades, so many of them will be eliminated from consideration at selective law schools like Berkeley's Boalt Hall. This new selection process produces, in affirmative-action jargon, a "disparate impact." So MALDEF says it is illegal and must be halted. And that Norma Cantu should bludgeon the University of California into submission.

On July 11, Cantu agreed to look into it. She began a civil rights investigation of alleged "discrimination" by the California law-school deans. This time, Walter Dellinger did not restrain her.

Trickery propels this investigation. MALDEF must argue that the standardized law-school entrance exam, the LSAT, is indefensible pseudo-science. The test "does not predict success" as it purports to, the organization says. Many students with high LSAT scores get bad grades once their legal studies begin. In fact, this proves nothing about the test's validity. The MALDEF complaint is based on a basic statistical misunderstanding—what psychometricians call the

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problem of "restricted range." Once in law school, higher-scoring students compete among *themselves* and are graded on a scale. That some of them get Cs does not make their LSAT scores a fluke.

MALDEF must also argue that a scheme by which the Berkeley law school weights its applicants' undergraduate grades is an effort to "penalize students for attending schools which have high minority enrollments." Hardly. The school's admissions office sensibly believes that straight A's from McDonald's Hamburger College should count for less than straight As from Harvard. So it adjusts applicants' transcript scores up and down, by formula, to make them even. It's not just black colleges that suffer in the calculation. Certain schools with few minority students, like the University of Utah and Pepperdine, get downgraded, too.

MALDEF's lawyers pretend *not* to be claiming that the 1964 Civil Rights Act requires affirmative action. There are other ways, MALDEF helpfully suggests, that UC law schools can mitigate the discriminatory effect of their selection standards. They might consider "the individual racial and gender-based experiences of applicants." Or they might consider student "adversity faced on the basis of race, ethnicity, or gender." Or they might consider "individual experience of racism." Stuff like that. Except that all such considerations are now illegal under the California constitution.

Race preferences are illegal in California, that is, unless Washington makes them a precondition for receiving federal money. It's a little-noticed provision of Propositon 209, one designed to protect billions of dollars in state aid.

Nifty, huh? According to MALDEF, grades and test scores are academically "unnecessary" criteria that hurt minority law-school applicants. So schools that use such criteria cannot receive federal funds. You're allowed to give up race preferences, in other words. But if you do, federal law will demand that you immediately restore them.

An altogether bizarre idea. Most observers are aghast. Michael Rappaport, for example, is dean of admissions at UCLA's law school and a *proponent* of affirmative action. He says it sounds to him as though MALDEF is insisting that "an academic institution can't use academic criteria when evaluating candidates for its academic program." Rappaport calls this a "frightening" prospect, all the more so since the Clinton administration seems to agree with MALDEF. Judith Winston has told the *Los Angeles Times* that "race-neutral criteria" like the LSAT can "have a discriminatory effect" punishable under federal law.

As it happens, there is no federal case law—none—that supports such disparate-impact analysis for admissions to higher education. And no federal court is likely soon to endorse it.

But the Clinton administration does not care. This is not about what the law says. It is, instead, an attempt to frustrate the law. It is a rearguard action against both judges and voters, an effort to achieve through bureaucratic bullying what the president cannot achieve through honest public persuasion: the retention of race-conscious policy—forever.

Norma Cantu and her ilk run amok, while President Clinton stages a diversionary "national conversation." Something must be done. Congress has budgetary and oversight authority over the Department of Education. We've said it before. We'll say it again. If there's to be a real political conversation about race, Congress needs to make its own views count.

—David Tell, for the Editors

What Is Weld Up To?

by Tucker Carlson

For a politician whose popularity stems from the perception that he doesn't take himself too seriously, Bill Weld has sounded a lot like Joan of Arc lately. At a press conference in Boston last month, the now-former governor of Massachusetts explained that the fight over his nomination to be ambassador to Mexico is much more than a spat over diplomatic qualifications. Instead, he said grandly, it is the latest skirmish in the age-old war between opposing ideologies in the GOP, between tolerant, freedom-loving socially progressive pro-choicers (such as himself) and bigoted anti-abortion troglodytes who have yet to enter the 20th century (such as Senate Foreign Relations Committee chairman Jesse Helms). It is a battle, said Weld, whose stakes come down to nothing less than "the future of the Republican party." And nothing—not even a president willing to "give in to ideological extortion"—is going to keep him from fighting it. "If my long-held advocacy for a Republican party that is open and inclusive imperils my prospects to go to Mexico City," he declared, "so be it."

Imperils my prospects? As a Helms spokesman pointed out later, Weld's outburst ensured that he'll *never* go

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to Mexico City, except as a tourist. What was Weld thinking? Even some of his closest advisers aren't sure, though virtually no one takes the fighting-for-the-soul-of-the-Republican-party stuff seriously. Weld is a canny politician; he must have had *some* strategy in mind.

Many who witnessed the press conference detected the odor of Dick Morris. Morris has advised Weld over the years (as well as both Bill Clinton and Jesse Helms). Moreover, the position Weld has now assumed—that of a man of principle caught between Helms's fanaticism and Clinton's faithlessness—smacks of Morris-like triangulation. Morris himself won't comment on his involvement in the matter. "My policy is that I *never* talk about what I do or don't do with former clients," says the consultant whose book about former client Bill Clinton is now on sale. But he does allow that Weld's strategy is nothing short of brilliant. By airing the dispute publicly, Morris says, Weld has forced Republican senators to decide between confirming him and receiving a "gigantic black eye" from pro-choice voters.

There's only one problem with this prediction: The Senate isn't going to confirm Weld as ambassador to Mexico, black eye or not. Only a handful of Republican senators have been willing to take stands on Weld's behalf. Even minority leader Tom Daschle has said that Helms's stonewalling is not a burning cause among Democrats in the Senate. Weld must know his chances of confirmation are slim to non-existent.

Enter the Weld for President scenario. By taking such a bold stand against Helms, this theory goes, Weld positions himself as the leader of the liberal wing of the Republican party, the much-extolled "moderates," and solidifies his constituency for the primaries in 2000. It's an appealing scenario for partisan Democrats, who naturally take pleasure in the thought of Republicans eating one another alive shortly before an election. But this theory, too, has holes. For one thing, social liberals make up no more than 20 percent, perhaps 25 percent, of the Republican party, probably not enough to give Weld a victory in the primaries. For another, Weld is not as strong a candidate as his overwhelming popularity in Massachusetts might suggest.

Despite his well-known charm, Weld came close to losing his first run for governor in 1990. Weld trailed Democrat John Silber in the polls that year until the very end of the campaign. Then, days before the election, Silber self-destructed. Asked by a local television personality to defend his comments on the dangers of day care, Silber flew into a rage. "To hell with this damn program," he snarled as the female reporter recoiled in surprise. "I don't need that. I thought we were having a fairly complex objective discussion."

Weld's campaign had been working to portray Silber as an extremist with a dangerous temper problem. It shouldn't have been a very difficult task, but until Silber blew up on television, it hadn't been working. Dick Morris made certain that ads with footage of Silber losing control reached every television set in the state. Within a week, Weld was governor.

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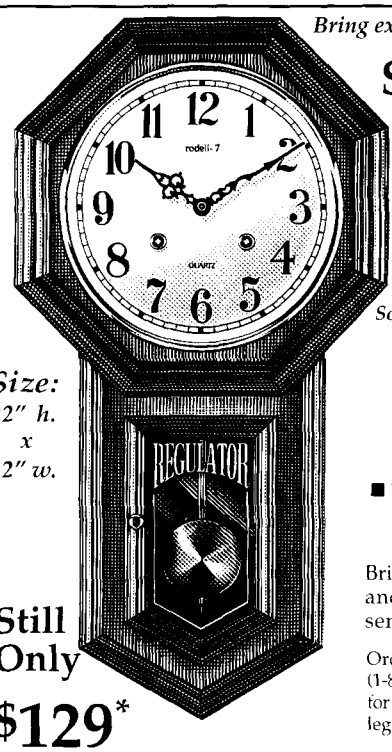

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Weld leaves the statehouse six and a half years later as the most popular Massachusetts governor in a century. He won reelection in 1994 with 71 percent of the vote on a platform tough on crime, welfare, and taxes. And he kept at least some of his promises. During Weld's tenure, taxes in Massachusetts didn't just stop growing, they went down. The state's economy and unemployment rate improved accordingly.

On economic issues, Weld can plausibly lay claim to a Massachusetts Miracle. Still, it's not clear that, in a presidential race, Weld's successes would compensate for his liabilities. There are, for instance, lingering questions about the ethical conduct of his administration. An extensive investigation conducted by the *Boston Globe* in late-1993 found that the Weld administration had taken very large contributions from employees of companies that conducted business with the state, and offered in return "virtually unlimited access to state regulatory officials for such corporations and their lobbyists." The paper slammed the "corruption-breeding climate that has grown up around the Weld administration," as well as the governor's own "casual views toward political ethics." Stinging as these charges were, the scandal soon died. A presidential run would be certain to revive it.

William Weld

Kent Lemon

Weld might also have an image problem. It's unlikely that his self-created persona—the patrician eccentric—would play as well in the rest of the country. Weld is widely considered something of a dilettante. While being rich and unserious might help him in Massachusetts—"At least you never had to worry about Weld stealing anything," says *Boston Herald* columnist Howie Carr—it's hard to imagine voters outside of New England electing a president who freely admits being kind of lazy.

If Bill Weld isn't going to be president, why did he resign as governor and destroy his own chances of being ambassador to Mexico? Virtually everyone agrees that Weld had grown restless in his job. "He was bored with the minutiae of statehouse life," says Carr. "What really appeals to the average politician—appointing judges, having a state-police driver, cutting a deal by giving a job to some legislative chairman's nephew—those little day-to-day pleasures wore out pretty quickly for Weld. I think it amused him for a while, but he was always slumming."

Weld's ticket out of the tedium of state politics was John Kerry's Senate seat. Weld had convinced himself that he was going to beat Kerry, even told others that he looked forward to serving on the Foreign Relations Committee. Friends say he was stunned when his campaign fell apart late in the fall and he lost.

If so, Weld collected himself quickly. Within hours of defeat he was referring publicly to his "long and warm relationship with Bill Clinton" and hinting that he might like a cabinet post. By the spring, when it seemed likely he would be appointed ambassador to Mexico, at least one of Weld's closest advisers warned him that taking a diplomatic post in a Third World country would have no long-term political benefits. Weld ignored the counsel. "He was doing it because he really wanted to," says the adviser.

But he wasn't doing it well. Although Weld had plenty of experience in Washington, he appeared naïve about how federal politics works. John Ellis, a Boston political consultant, says he and Weld were playing golf together earlier this year when he asked the governor which well-connected Washington veterans he had asked to shepherd his nomination along. "And he said 'I'm just putting everything in the hands of the State Department.' So I said 'Governor, Jesse Helms hates the State Department.' He was sort of clueless about it."

When word filtered back to Boston that Helms planned to oppose his nomination, there was nowhere left for Weld to go. His career at a dead end, the governor seemed to snap. "Weld had no detailed master plan," says Ellis, who is a leading proponent of the psychic-break theory now popular among Weld watchers. According to Ellis, Weld's grandiose statements at his July press conference were nothing more than damage control: "It's much better to go down fighting for the future of the Republican party, or whatever the nonsense is, than it is to be a loser two times in eight months." Plus, says Ellis, "there's a little bit of a midlife crisis going on. He's behaving, I think, weirdly."

Or perhaps not so weirdly. There is one last theory to explain Weld's odd behavior. What if Weld were

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smart enough (and by all accounts he *is* smart enough) to realize that he will never be the ambassador to Mexico or, for that matter, the Republican presidential nominee? What if Weld had decided instead to initiate a break with the Republican party over social policy, keep himself in the headlines for a few months, then suddenly, dramatically, switch parties? ("I'm not leaving the Republican party," the speech would inevitably begin, "it's leaving me.") What then would prevent Clinton from welcoming Weld into the fold with a cabinet post? And wouldn't at that point Al Gore come to realize that Bill Weld might make a pretty good running mate in 2000, if only for the charm he would bring to the ticket?

Some Republicans are already talking the scenario through. Maybe America would be better off if Helms let Weld have Mexico City after all.

Tucker Carlson is a staff writer at THE WEEKLY STANDARD.

ENUMERATE-GATE

by Michael Barone

THE FIGHT OVER THE 2000 CENSUS is a fight between the Republicans and the Democrats over statistics. It reached the high level of national politics when the Republicans added a provision to the disaster-relief bill in June barring the use of "sampling"—estimating the total population from an actual count of a statistically random sample—and the Democratic president cited the provision as one of his reasons for vetoing the bill.

But the Census battle is just as much a clash between the framers of the Constitution and today's professional statisticians. The framers called for "the actual enumeration" of the nation's population every ten years—literally every body in America—to be used to apportion the members of the House among the states. This was an extraordinary proposal. There had been censuses before, in the time of Caesar Augustus even; but no other country had ever had a regular census every so-many years, and no other country had thought to apportion political representation according to population enumerated in a census. The Census is used for lots of other things today—for allocating federal aid funds, for guiding commercial marketers—but it is in the Constitution for only one reason, and that is to apportion the House of Representatives.

Today's statisticians, including the Clinton administration's director of the Census Bureau, Martha Farnsworth Riche, don't think much of actual enumerations. The 1990 Census, they argue, produced a 1.8 percent undercount, with significantly higher undercounts of Indian-reservation residents, Hispanics, and African Americans. Even the 1.8 percent figure is itself an estimate, since no one knows or can know precisely what the total population really is. But the statisticians think that they can produce a more accurate figure through sampling.

The statisticians are, I think, sincere. They are not just trying, as many Republicans think, to put a pretty face on a Carvillean strategy to rob Republicans of representation. But I think the Republicans are right to oppose statistical adjustment of the Census.

Statisticians can't give you one way to make an adjustment that all other statisticians will agree is the best way. There are any number of methods of adjustment; each will give you results that are defensible on statistical grounds. But different adjustments will inevitably produce very different political results. In the 1990 Census, five different adjustments done by sampling would have produced five different apportionments, with 11 states either gaining or losing a representative. The political consequences are obvious: It makes a difference whether a seat is lost by Kansas (whose representatives today are all Republicans) or by Massachusetts (all Democrats). And there will be a natural tendency for statisticians to prefer a method of adjustment that seems likely to favor their own political party. Even in the best of faith, we all (as responses to Clarence Thomas and Anita Hill showed) tend to break ties in favor of the home team.

At least one statistician understands the political risk. Sampling, says David Murray, head of the Statistical Assessment Service, "creates a powerful temptation for the party in power to skew the adjustment its way. The ability to 'create' or 'eliminate' millions of strategically placed citizens with the stroke of a pen introduces a potent and disturbing new political weapon."

The Census Bureau has only just come out with a strategy for adjusting the 2000 Census; it will conduct a "dress rehearsal" of the strategy in three places—Sacramento, rural South Carolina, and a Wisconsin Indian reservation—in April 1998. It's easy to see how the bureau's results can be manipulated politically. Essentially the bureau plans to conduct two surveys and "weave them together," as Franklin Roosevelt

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once told subordinates to do with two inconsistent programs. One will be an enumeration, much like that in 1990, in which census workers will attempt to get responses from mailed questionnaires and in-person follow-ups; but unlike in 1990, attempts will stop after census-takers reach an estimated 90 percent of the total population. The other will be an independent, statistically valid survey of 750,000 respondents at 25,000 locations across the country. The results of the enumeration will then be adjusted by the results of the independent survey. If the independent survey determines (as the Census Bureau survey did after the 1990 Census) that young black married women in cities like Chicago and Detroit were undercounted, it will add numbers of young black married women in similar cities all over the country.

Who will conduct these surveys? The Census Bureau has to hire more than 1 million people to complete the enumeration; many of them will not be professional interviewers and will therefore be prone to mistakes. That is one reason statisticians hate enumerations. Riche emphasizes that the independent survey of 750,000 requires many fewer—and thus higher-quality—interviewers. But she also says that in high-undercount areas—Indian reservations and black and Latino neighborhoods—the bureau has hired local people to do the enumerations. "We get the best response to someone in the community," Riche says. And she adds, "We will keep the best of these for the second survey."

Peter Steiner

Riche's plan thus offers Clinton-Gore operatives a tempting opportunity: get politically savvy people hired as local enumerators, especially for the second, independent survey; encourage them to count as many people as possible in high-undercount (and high-Democrat) segments of the population; then watch as the computers magically adjust the population of Democratic blocks up higher and higher. This is a White House that had no scruples about getting the Immigration and Naturalization Service to drop criminal checks on applicants for citizenship so that more Democrats could be naturalized in time for the 1996 election; why would it suddenly develop scruples about adjusting Census numbers for political purposes? Riche says that she will insist on the integrity of the process; but INS commissioner Doris Meissner said the same thing, and probably meant it, too. It is this White House's standard operating procedure to dismantle, at the INS or the Democratic National Committee, verification procedures that get in its political way. While Riche's professional credentials may well entitle her to a presumption of good faith, they provide no assurance that she has the political shrewdness and clout to keep White House political operatives from getting their way. Rep. Dennis Hastert, whose subcommittee has oversight of the Census, is right when he calls the bureau's current plan "a risky scheme ripe for political tampering."

How much effect would political adjustment of the Census have? Not as much as some Republicans fear, but probably enough to cost them the House if the vote in 2002 is the same as in 1996. The one number that Riche and the other statisticians have been reluctant to say out loud is the error margin for adjusted results at the block level—the smallest geographic unit for which results are reported. The reason is that it is very high: In a 1995 Census Bureau test, the error margin at the block level, at the 95 percent confidence limit (at which results of political polls are usually reported) was plus or minus 28 percent. That means that a block whose reported population was 100 could actually contain 72 people or 128, nearly twice as many. When I worked for pollster Peter Hart, he refused to print any numbers on which the error margin was more than plus or minus 8 percent, on grounds that their

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spurious precision would mislead our clients.

Riche and the statisticians insist that block-level error doesn't matter because it becomes much smaller when blocks are aggregated into Census tracts, counties, and states, and because nobody uses block-level data for anything anyway. But block-level data won't even out if error is systematic—if the independent survey has been manipulated to overcount Hispanics, for instance—and anyone who says that block-level data are not used for anything has never practiced political redistricting. I have, and I can tell you that districts are not enduring entities, made up of randomly chosen blocks; they are aggregations of blocks, often with grotesque shapes, sometimes not even contiguous, stitched together to suit the political needs of redistricters. Give me the ability to overcount Hispanics, and I can create two new heavily Democratic congressional districts in Los Angeles County and take those seats away from voters somewhere else. John Morgan, Newt Gingrich's favorite district-by-district political analyst, has said that Democrats could pick up 20 seats by Census adjustment. I think that's too high, but the number is well above zero. It's not hard to see why House Democratic leader Dick Gephardt strongly supports census sampling and is quite happy to see Democratic ranks swelled by imputed numbers of even non-citizens; as he told the National Council of La Raza convention, "legal immigrants should not be discriminated against, and told they are not first-class citizens of the United States." Which is another way of saying that I think the framers of the Constitution had it right and the statisticians have it wrong.

The framers were familiar with population estimates, and they required "actual enumeration." They assigned each state a certain number of representatives for the first Congress in what they thought was rough proportion to population. But they wanted all subsequent Congresses apportioned by "actual enumeration." They knew that estimates could and would be politically manipulated and that an enumeration, though it would not be perfectly accurate, would anchor would-be manipulators more closely to verifiable facts. The architecture and animating spirit as well as the words of the Census clause are very much on the Republicans' side and against census adjustment.

Michael Barone is a senior staff editor at **Reader's Digest** *and co-author of* **The Almanac of American Politics 1998** *(National Journal/Times Books).*

Balanced-Budget Liberalism

by Tod Lindberg

Shortly after the 1996 election, a triumphant President Clinton met behind closed doors with congressional Democrats, who were, if not surprised, at least disappointed by their failure to retake the House of Representatives. According to news reports, the president told his fellow Democrats that unless they got serious about balancing the budget, they would never recapture the House. American voters would continue to see them as fiscally irresponsible.

Nine months later, with a surging economy serving as midwife, White House and congressional negotiators gave birth to an agreement that would balance the budget by 2002—much sooner if the economy doesn't sour in the interim. To each of the parents, the child is not wholly lovely, possessing too many features from the other side of the family: a cigarette tax, a new entitlement for children's health care, locked-in levels of domestic spending—all things Republicans hate and Democrats love. From the right side come a lower capital-gains tax rate, expanded IRAs, reduced inheritance taxes, and more choices for Medicare. Everyone is beaming about the child tax credit—although Republicans had to get over their initial view of the credit at the low end of the income spectrum as a welfare payment, and Democrats had to give up on ludicrous calculations of income that mystically transformed millions of middle-class American families into "the rich" overnight. So it is that under the tutelage of Bill Clinton, a majority of Democrats in both the House and Senate voted to balance the budget at last.

Okay, so, the budget will balance, Wall Street is skyrocketing, families will have more money in their pockets: Now what?

What has become increasingly clear is that Bill Clinton thinks he has a pretty good answer to that question. It has also become abundantly clear that Republicans have barely a clue as to where to go from here. Conservatives have tended to think of Bill Clinton as merely a liberal in disguise, someone who steals conservative rhetoric and the occasional conservative idea but who remains as fundamentally committed to the advancement of a leftward agenda as ever. The bal-

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anced-budget deal ought, once and for all, to disabuse them of this notion. It grossly underestimates Bill Clinton. Clinton is an entirely new political animal—the first of the balanced-budget liberals.

Years of conservative and Republican frustration over the budget had made the effort to balance it a quest—one that seemed at times as likely to succeed as the quest for the Holy Grail. So what happens when you find the Holy Grail? It is doubtful that those who actually sought the Grail gave much thought to what their purpose would be after the quest was successfully completed. What do Republicans do after the budget is balanced? Go to Disneyland? Sign a sneaker-endorsement contract? This was their *Holy Grail*, after all. What could be important after that?

Balancing the budget was never Bill Clinton's Holy Grail. In fact, he came upon the quest for it late in the day (June 1995 to be exact) and only once the Grail was actually in sight. And while the longtime questers remained transfixed by the image of the Grail before them at last, Bill Clinton was able to see beyond it.

Clinton realized that a balanced budget could actually mean *increased* spending. This was something the Republicans could never have foreseen, and it works like this: If the budget is balanced, then the moral imperative to restrain or even to cut spending is gone. Instead, the argument between the parties turns into an argument over what to do with the money that flows in to the federal government after the budget is balanced. And this is the real opportunity for Clinton and his fellow balanced-budget liberals: So long as expenditures do not exceed revenues, the proprietors of the budget can't be charged with fiscal irresponsibility, indifference to the future, or moral laxity. If the Democrats can keep themselves from (as they like to say) "blowing a hole in the deficit," government no longer need be a dirty word.

Republicans are just beginning to understand the threat posed by balanced-budget liberalism. It's obvious what they would like to do with the surplus cash rolling in—rebate it in its entirety as tax cuts. Or maybe use some of it to finance the transition to a privatized Social Security system. But as a practical matter, the GOP wish for tax cuts will compete with the desire of the White House to fund the expansion of government to meet a million new as-yet-undiscovered needs. *We should do more, and we can afford to do more*, the president will say. *In fact, we can't afford not to do more.* It's not clear how a Republican Congress wins that argument and forces a Democratic president to send all the money back to the people.

How to stop the expansion of government in the balanced-budget era? What a novel political problem. Conservatives are now embroiled in a contretemps over a proposal by Rep. Mark Neumann of Wisconsin, who is the first to try to come to grips with balanced-budget liberalism. Neumann wants the GOP to divide "excess" revenues into three piles: one for tax cuts, one to pay off the national debt, and one to pay off the "debt" in the highway and other trust funds (in other words, to finance pork-barrel spending on infrastructure).

Supply-siders immediately stepped up to denounce the Neumann plan. It would be morally wrong and politically stupid—a typically Republican green-eyeshade blunder, said the *Wall Street Journal* editorial page—to overtax Americans in the name of the joyless and economically stupid task of paying off the debt.

Well, sure. Except that the salient political question is why Bill Clinton (or a possible Democratic successor) would go along with even the Neumann plan, let alone the big tax cuts and fundamental tax reform the *Journal* and every other conservative would prefer. Paying off the debt and cutting taxes are simply not the top priorities of balanced-budget liberalism.

The case for cutting taxes is the most potent GOP political tool. The case for more spending is the most potent Democratic political tool. Unfortunately for Republicans, and unfortunately for the philosophical promotion of limited government, the case for more spending just got a whole lot better.

***Tod Lindberg is the editorial-page editor of the* Washington Times.**

Ward Connerly Gets Pinched

by Jim Sleeper

As I WORKED THIS WINTER on my book *Liberal Racism*, I had an impish notion: Why not examine how *New York Times* publisher Arthur ("Pinch") Sulzberger Jr.'s tangled ethnic and religious roots have nourished his obsession with diversity? "It is not enough just to hire a more racially and sexually varied work force," Sulzberger has told anyone who'll listen. Variety must be enhanced "through training. We are all going to have to understand those differences, be

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aware of them, know what they mean, understand that we don't all see the world or a moment in time in the same way."

Suppose that, following Sulzberger's admonition, we asked him to help us understand how tensions between his own paternal German-Jewish heritage and his maternal Episcopalian upbringing (he grew up with his mother after his parents were divorced) have driven him to create 23 "diversity action teams" at the *Times*?

I nixed the project the instant I thought of it. It was not only impolitic but improper. There was Sulzberger's privacy to consider, public figure though he is; and since my book argues that diversity training is presumptuous, intrusive, and subversive of good journalism, I would have been guilty of those very crimes had I followed my first impulse.

For an object lesson in journalistic malfeasance of this sort, we need look no further than Sulzberger's own *New York Times*—specifically, to the Sunday, July 27 edition. There, in an unprecedented 5,000-word front-page profile, reporter Barry Bearak examines the murky racial bona fides of Ward Connerly, champion of California's Proposition 209 against affirmative action and a formidable opponent of all racial preferences. Bearak's mix of tabloid witch-hunting and dime-store psychoanalysis reinforces the notion that Connerly's strong beliefs grow partly from a shaky, perhaps twisted sense of his blackness.

INSTEAD OF ASKING WHY 40 PERCENT OF BLACK VOTERS SUPPORTED PROPOSITION 209, THE *TIMES* SUBTLY VILIFIES WARD CONNERLY.

The piece serves to reduce the political to the personal, to discredit Connerly by locating his opposition to affirmative action in a self-hating black grandmother. It is, in other words, a case study in liberal racism, in that it reduces an independent black man to a psychic can of worms. It signals the *Times*'s desperation in a losing battle over racial color-coding that it does not comprehend. It marks the paper's demise as an arbiter of racial discourse.

Bearak opens by telling us that Connerly is only dubiously black because he has Irish, French, and Choctaw bloodlines. "I suppose I could claim to be Irish," Connerly admits under questioning, "but who wants to stand there and argue the point every time? So I'm black." Bearak does argue the point, not so much to deny Connerly's blackness, which would be impossible, but to discount the moral and political strength Connerly has found in *being* black while refusing to *think* "black." The *Times* can't abide Connerly's insistence that blackness doesn't constrain him to understand the world as liberals think blacks must. The paper campaigned against him and Proposition 209 and is devoting its resources not to understanding why 40 percent of black voters *supported* the initiative but to an effort to dismiss Connerly, who has galvanized revulsion against racial groupthink.

"However much a hindrance [Connerly's blackness] may have been in other endeavors, it now offers him a paradoxical advantage," Bearak advises us. "His blackness, he agrees with some reluctance, grants many whites a kind of absolution, allowing them to protest affirmative action 'without having to feel like they appear racist.'" The implication: Whites who support Connerly *are* racist, and Connerly fronts for them.

Instead of exploring other possibilities, Bearak takes great investigative and literary pains to suggest that Connerly is not an entirely honest man. He can't find any noteworthy misdeeds in Connerly's personal or professional life, so he devotes six paragraphs to interviews with disgruntled relatives to establish that Connerly *may* have embellished tales he has told of leading a childhood in abject poverty.

Having established that, at worst, Connerly is no less truthful than most people who mythicize their pasts, Bearak slogs into pits of racial self-loathing. He reveals that Connerly's maternal grandmother, who raised him after his mother died, seems to have had contempt for darker blacks and even for Connerly's father, whom she may have driven away during Ward's infancy. This excursion, too, yields less than Bearak lets on: He doesn't tell us that intraracial color prejudices have long run deeply and tragically among many blacks.

Nor does Bearak note that many black leaders, such as W.E.B. Du Bois, were even more racially mixed than Connerly. Du Bois was descended on his mother's side from a Dutch settler who married a slave; his paternal grandfather, of French Huguenot and black descent, passed for white at the elite Cheshire Academy. Du Bois's own preoccupation with a black "talented tenth" may have figured in his abandonment of black America for fantasies of a pan-African destiny in Ghana.

No such elitism bedevils Connerly, yet Bearak highlights his distance from one Eddie Hall, a poor, 72-year-old black Everyman who often shines Connerly's shoes in a garage. Hall "has watched his own dreams diminish and then disappear," Bearak advises us, and he prompts Hall to comment that a colorblind society is "utopia and there's no such thing." Since

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Hall never utters a word against Connerly, and asserts that "hard work, not affirmative action, is the answer," a desperate Bearak strains to fix Connerly as an elitist by informing us that even though he likes Hall, he doesn't know Hall's name.

Bearak also portrays Connerly as alienated from his family. Most remarkably, Bearak tracked down the father Connerly has long believed abandoned him when Ward was an infant and died soon after. The *Times* found, photographed, and interviewed the 84-year-old man, whose "mental faculties have gone dim," which understandably rattled Connerly. The story ends portentously with Connerly calling the father he never knew—who asks him, in the final words of the piece, "When you coming back this way?"

Bearak has torn open a family's tragic, hidden hurts to stage a morality play whose lesson is that true blackness cannot be reconciled with a principled opposition to racial preferences. This untoward probing of an unorthodox black thinker's personal life recalls the *Times* magazine's long, intrusive "story" two years ago about a personal estrangement between the essayist and scholar Shelby Steele, also a noted foe of affirmative action, and his brother, the psychologist Claude M. Steele. If this is acceptable journalism, then so would be an exploration of the family origins of Sulzberger's obsession with diversity on the other side of the battlefield. Why not carry the battle into Sulzberger's private life, as his newspaper has into Connerly's?

Kent Lemon

Ward Connerly

If, for example, group "differences" are as important among whites as Bearak makes them seem among blacks, let's unpack them. "Arthur keeps talking about the day being long past when the news will be told only through the 'straight, white male' point of view," a *Times* reporter told the journalist Robert Sam Anson for *Esquire*. "Who is this white male? Adolf Hitler? Albert Schweitzer? Me?"

Let Sulzberger answer by explaining, as he has made Connerly do, the peculiar, conflicting roles his own ethnic shadings and personal family history played in creating the worldview he now holds. Shouldn't everyone at the *Times* become more "aware" of this? Perhaps I can be of some help, in the spirit of "diversity": My Lithuanian-Jewish background makes me exquisitely "sensitive" to some underappreciated cultural differences between German Jews and WASPs. We Lithuanian Jews "know" that German Jews can be repressed, abstract, and snooty (Shall I count the ways?) and that there is no greater peril to the social fabric than a guilt-ridden Episcopalian (unless, of course, it is an Episcopalian who feels *no* guilt).

If I go to work at the *New York Times*, can I share this cultural wisdom with Arthur and others in a diversity workshop, like the one where a Puerto Rican *Times* reporter was told he needn't be ashamed because Hispanics have "wonderful family values"?

We have long known that liberal thinking on race has become so patronizing that it debilitates its intended beneficiaries. Now, the *Times*'s crude ascription of primordial differences to skin shades and surnames has revived 19th-century notions of race that are viciously divisive. The Connerly story represents the full triumph at the *Times* of a mindset that the real Connerly and other Americans who have found their voices and courage are overthrowing everywhere else but on West 43rd Street.

Jim Sleeper is the author of **Liberal Racism**, *just published by Viking.*

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The Ascendancy of Jesse Helms

By Fred Barnes

Republican senator Gordon Smith, a golfing buddy of William Weld, gently lobbied Sen. Jesse Helms on behalf of Weld's nomination to be U.S. ambassador to Mexico. So did GOP senator John Ashcroft of Missouri. Two moderate Republican senators, Olympia Snowe of Maine and John Chafee of Rhode Island, sent Helms a letter endorsing Weld. The Massachusetts governor himself demanded that Helms, chairman of the Senate Foreign Relations Committee, step aside and let his nomination proceed. Thirty-six other governors echoed Weld. Meanwhile, the Weld camp recruited conservatives to whisper kind words about Weld in Helms's ear. One who did, a North Carolina banker, insisted Weld had been an effective U.S. attorney in the early 1980s. Nevertheless, when the State Department asked Helms to meet privately with the nominee, the senator declined. "Why should I subject myself to that?" he said. If Weld drops by anyway, Helms added, he'll point the now-former governor and his press claque down the hall, where they can gather for a press conference. And Helms will retreat to his office, shut the door, and chuckle.

The hullabaloo in Washington over his unflinching opposition to Weld has scarcely fazed Helms. He won't respond to Weld's public fulminations. The Foreign Relations Committee's spokesman, Marc Thiessen, handles that, time and again citing Weld's support for "medical marijuana" and weak record in prosecuting drug cases as Helms's grounds for refusing even to convene a confirmation hearing. "I'm staying out of it," Helms told me. "The media, they want a feud. And they are for Weld. But it'll serve no useful purpose to let them have one. I don't let these stakeouts by TV stations from Boston bother me. I just walk right by." Not always. When he encountered a press stakeout after a committee session on July 30, Helms engaged in some brief repartee with a Boston reporter who asked about Weld's status. "Did you take any Latin in school?" Helms inquired. Yes, the reporter said. "*Res ipsa loquitur*," Helms shot back, and walked on. The phrase means: "The thing speaks for itself."

Fred Barnes is executive editor of The Weekly Standard.

Next to Ronald Reagan, Jesse Helms is the most important conservative of the last 25 years, and episodes like this help reveal that Helms is the most inner-directed person in Washington. He has his own set of priorities, and he doesn't waver. He has a style all his own, too. He's invariably straightforward (invoking a Latin idiom was an aberration). He never soft-pedals or dilutes his conservatism, even in private. On Weld, the easy course would be to let the nomination sail through, which it would absent Helms's objection. But Helms doesn't shy from tough, unpopular stands. Indeed, his relentless, unswerving application of conservative principles to practically every issue is precisely what has made him a major player in Washington and national politics. Helms follows a simple formula: Implacability equals strength. It works. He can't be buffaloed—or ignored. Even acting alone, Helms has enormous sway, as Weld has had to learn.

No conservative, save Reagan, comes close to matching Helms's influence on American politics and policy in the quarter-century since he won a Senate seat in North Carolina. Barry Goldwater flamed out after 1964, though he lingered in the Senate until 1987. Newt Gingrich single-handedly grabbed control of the House of Representatives for Republicans, but he hasn't done much with it. Richard Nixon, conservative at heart, got the two big issues wrong by embracing big government and détente. Strom Thurmond has been reliably conservative for a half-century, but not a leader. Jack Kemp altered conservative economic thinking—nothing more. But Helms has led on everything from promoting human rights in China to opposing gay rights at home. And, at 75, he's still out front.

Now the world is finally beating a path to Helms's door. In 1976, Helms rammed a "morality in foreign policy" plank through the Republican national convention that all but officially ended the Kissinger era in American foreign policy. Earlier, Helms had created an international incident over then-secretary of state Henry Kissinger's decision to bar exiled Russian novelist Alexander Solzhenitsyn from visiting President Ford. Yet last fall, Kissinger flew to Greensboro, N.C.,

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to raise money for Helms's reelection. It was his second appearance to aid Helms. Another ex-secretary of state and Kissingerite, Larry Eagleburger, spoke at a Helms rally in Fayetteville. After the election, Secretary of State Madeleine Albright delivered a speech at the Helms Center in Wingate, flying home with a carry-out order of barbecue Helms had bought for her. Sen. Joe Biden of Delaware, the ranking Democrat on Foreign Relations, is working closely with Helms to restore the committee's power and prestige. The point here is that Helms has gained strange, new respect not as many conservatives have—by moving left. Helms has earned it the hard way—by not moving at all.

I have two tests for measuring Helms's impact: the Trent Lott test and the George Bailey test. Let's start with Lott. He and Helms, in their twenties, gained Capitol Hill experience by working for conservative southern Democrats. They were elected to Congress the same year, 1972. The question is, Who has done more, Lott or Helms? Lott advanced through the leadership ranks to become House Republican whip before jumping to the Senate in 1988. He was elected majority leader last year. What has he accomplished? Lott was a capable leader of House Republicans when they were in the minority, and he brokered the deal last year that led to welfare reform, a minimum-wage hike, and the Kennedy-Kassebaum health-care bill. This year, he played a prominent role in negotiating the budget deal with President Clinton. That is about the sum of his major achievements.

The Helms list is so much longer that Helms, who regards boastfulness as a mortal sin, is too self-conscious to recite it. In fact, when I asked him to name his top 10 accomplishments, he declined to name even one. (His aides are less reticent.) But in politics alone, Helms has made history. He's an event-making politician, not merely one who's served in eventful times. He helped make direct mail not only a key fund-raising tool for conservatives but also an alternative medium for the Right. From it came the New Right, the bulging faction of social conservatives without which Reagan wouldn't have won the White House in 1980. Of course, if not for Helms, Reagan wouldn't have been politically viable in 1980 in the first place. Four years earlier, Helms and his sidekick Tom Ellis engineered an astonishing upset victory for Reagan in the North Carolina primary that resurrected his candidacy. Had Reagan lost in North Carolina—and his handlers were already negotiating to get him out of the race—his presidential bid would have died early and ignominiously in 1976, and his prospects in 1980 would have been uncertain at best.

Helms has also been a magnetic force on ideology and policy, pulling the entire national debate to the right. Positions he noisily took in Washington two decades ago, almost alone, are now part of mainstream conservatism. Among them: the balanced-budget amendment, a flat tax, school prayer, curbs on food stamps, legislation banning abortion. In the 1980s, Helms pressured the Reagan administration to intensify anti-Communist activism in Central America, Asia, and Africa and to reject arms-control concessions. And on issues where others turned squeamish, he spoke out. Helms confronted the homosexual lobby in Washington on gay rights, AIDS research, and government sanction of the homosexual way of life. He has paid a price for this. His speeches are picketed by gay activists (he had to slip in the back door of an Atlanta hotel for a fund-raiser last year), and a 15-foot condom was put over his house in Arlington, Va.

Amazingly enough, Helms is an able and resourceful executive who uses his staff to maximize his influence. He delegates rather than micromanages. Most pols, Lott especially, are chronic micromanagers. Given a long leash by Helms, his staffers "have clout beyond what other congressional aides have," says conservative strategist Jeffrey Bell. Thus, in the 1970s, John Carbaugh and James Lucier acted with such audacity in foreign affairs that Helms was accused of operating his own State Department. In the 1980s, Deborah De Moss exerted a powerful influence on Latin American policy. Now, Ellen Bork is becoming a force in foreign-policy debates. Thiessen, the committee spokesman, has found he's free to bludgeon foes. In a TV appearance, Thiessen told Canadian foreign minister Lloyd Axworthy he should apologize to the American people for siding with Cuba in the shootdown of two Cuban-American planes. Afterwards, Thiessen feared he'd gone too far and jeopardized his job. Should have been tougher with Axworthy, Helms told him. Once empowered, Helms aides remain close to him after they leave his staff. He has a network of talented lawyers, lobbyists, and consultants ready to assist him at a moment's notice: Carbaugh, Charles Black, Marc Rotterman, Alex Castellanos, Darryl Nirenberg, Steven Phillips, David Keene.

For what it's worth, Helms also has another gift that most politicians lack: He spots new talent around the world. When Margaret Thatcher was a minor British MP in 1974, Helms hosted her in Washington. He gave her office space and arranged appointments for her. In 1989, he met with Boris Yeltsin, whom President Bush and his aides dismissed as a loutish rival to their favorite Russian, Mikhail Gorbachev. Helms was impressed and began to talk up Yeltsin in Washington. In 1989, he learned of Harry Wu, the

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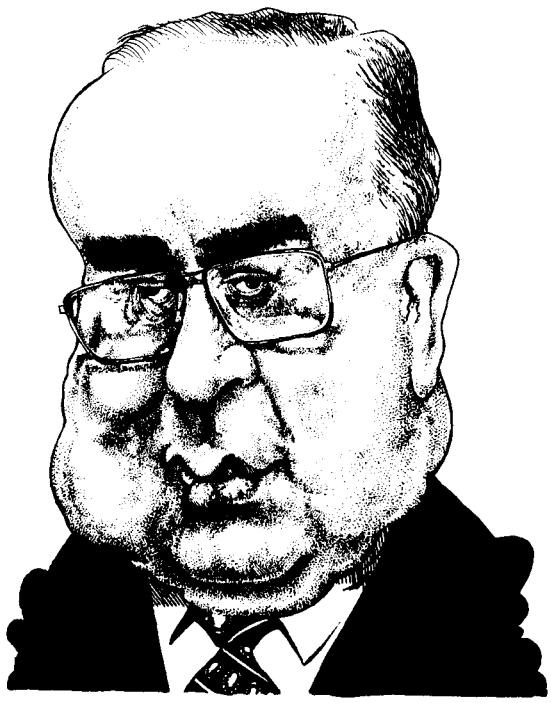
exiled Chinese dissident, and invited Wu to testify on Capitol Hill. They became warm friends, and Wu has since emerged as an international human-rights hero. During Clinton's first term, Helms admired the gritty performance of U.N. ambassador Albright. After the 1996 election, he urged Erskine Bowles, the White House chief of staff, to prod President Clinton to name her secretary of state. Clinton did, prompting Helms to order his staff never to criticize Albright. Most surprising was Helms's discovery of John Ashcroft, now a rising star in the Senate. Helms traveled to Missouri in 1974 to campaign for Ashcroft for state auditor, sight unseen. He had heard only that Ashcroft was a conservative.

Now for the George Bailey test—after the Jimmy Stewart character in *It's a Wonderful Life* who was shown what the world would have been like if he'd never lived. Let's narrow the test from a lifetime to the past 12 months. What *wouldn't* have happened in Washington if Helms had stayed in Raleigh, N.C., as a WRAL-TV commentator?



Michael Ramirez

There would be no pending reorganization of the State Department, in which two agencies will be abolished. There would be no United Nations reform. Richard Lugar of Indiana would be Senate Foreign Relations chairman in place of Helms, and he has minimal enthusiasm for revamping State, folding the U.S. Information Agency and the Arms Control and Disarmament Agency into it, and emasculating the Agency for International Development. Lugar tried to strip U.N. reforms from legislation appropriating back U.N. dues. He lost 75-23 on the Senate floor.

What's surprising to many is that Helms, neither a detail man nor a lover of process, delved into such cold fare and did it deftly. His reputation as strictly an outside player, harrumphing on behalf of one lost cause after another, may be the received wisdom in Washington about Helms, but it's wrong. Helms calibrates his maneuvering according to how much power he has, and in this case, as Foreign Relations chairman, he has a great deal. He started with an idea. "I became convinced early on that the foreign-policy apparatus was not operated for the American people, but so the striped-pants boys could stick out a pinkie, have a cocktail, and sound profound somewhere around the world," he told me. "When I got to the Senate, I found I was exactly right."

Having watched Secretary of State Warren Christopher's reorganization plan go belly-up in 1995—"They kicked him in the pants and told him to go home like a good little boy"—Helms laid the groundwork for passage of his own version. He personally briefed Clinton, who appeared to be amenable. When the bill reached Clinton's desk, however, he vetoed it. Helms persisted. He contacted Clinton again and pledged a bipartisan approach. More important, he lined up Christopher's successor, Albright. She produced her own plan, which was so much to Helms's liking that he quickly agreed to sponsor it.

Slipping reform of the bloated U.N. bureaucracy through the Washington gantlet took more cleverness yet. First, Helms refused Clinton's request to pay up U.N. dues unless reform requirements were attached. Then, the day Kofi Annan was elected the new U.N. secretary general in January, Helms summoned Annan to Washington. He told Annan the United States would pay its arrears only if the United Nations accepted benchmarks for reform. Annan disliked the idea, but wasn't violently opposed. Helms proposed specific benchmarks, shrewdly basing them on State Department documents, Albright speeches, and goals Annan himself had declared for the organization. In the end, both houses passed the reforms, and the administration accepted them. Soon Annan announced his own set of reforms.

I have gone into detail about these admittedly unsexy accomplishments both because they're significant and because, as usual, Helms has gotten no credit. There are many other examples of Helms's impressive work product. Would the House have voted to kill the National Endowment for the Arts on July 10 if Helms

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hadn't first zinged the agency in 1989 for funding obscene art and roasted it regularly since then? Not a chance. Also, Helms called for a work requirement for food-stamp recipients as long ago as 1974; last fall, Congress finally passed one. Helms has also perfected the tactic of winning while losing. He failed to block ratification of the flawed Chemical Weapons Convention, but he won 28 of 33 concessions he'd sought. What's more, Clinton grudgingly agreed to submit NATO expansion and ABM treaty revisions to the Senate for approval. Without Helms, Trent Lott might have won a handful of concessions, but nothing like these.

HELMS HAS A RARE KNACK FOR SHUTTING OUT THE WASHINGTON BUZZ. THIS IS A SOURCE OF POWER AND A WAY OF AVOIDING DISTRACTION.

In one important sense, Jesse Helms is the easiest boss in Congress. With Helms, the text never changes. "He never pulls the rug out from under you," says Thiessen. "He's the most consistent politician in America." Bob Dole says of Helms: "You know where he is. You don't have to look under the table."

Helms once claimed he hadn't changed his mind in 30 years, but he has at least once. In the early 1980s, Helms opposed foreign aid to Israel and was skeptical of then-Israeli prime minister Menachem Begin. This became an issue in his 1984 reelection campaign as pro-Israel campaign contributions poured in to his Democratic opponent, Jim Hunt. After the election, Helms warmed to Begin, notably after Irving Kristol characterized Begin (to Helms) as "the Jesse Helms of Israel." In 1985, Helms visited Israel for the first time. He concluded Israel is America's "only real ally in that part of the world." Mubarak? "He's friendly. But do you think he's going to take on his Arab friends? Give me a break."

The dirty little secret in Washington is supposed to be that Helms isn't mean-spirited after all, but is a kindly, courtly gentleman who loves kids. This is no secret at all. Everyone knows it, but few say so publicly. Helms is unfailingly nice to staffers. Paul Weyrich, who now runs National Empowerment Television, heard from Helms on Christmas Eve 1974. Weyrich was a low-level staffer for another senator, and Helms called to say Weyrich's work was appreciated. Several years ago, Helms spotted NEA chair Jane Alexander touring the Capitol around 3 p.m. with family members. "Miss Alexander, do you think your family would like some ice cream?" Helms asked her. ("It was the only thing I could think of," he says now.) Helms and the Alexander crew trekked off to the Senate dining room. Afterwards, he and Alexander "got along fine for a while until she recognized I was not going to bend on NEA. She's a nice lady."

What makes Helms especially formidable are two additional traits. He has a rare knack for shutting out the buzz in Washington (the only other politician who could do this was Reagan). "He genuinely doesn't care what liberals and the media think about him," says Bell. This is a source of power, a way of avoiding distraction. Helms coolly ignores the gossip, the chatter, the social scene. He grants few interviews and never appears on Sunday TV talk shows. "Tell them I'm in church with Mrs. Helms," he advises aides. He's a Baptist who takes his Christian faith with utmost seriousness, and it allows him a detached perspective on Washington. A few months ago, GOP senator Paul Coverdell came to Helms with a policy problem involving Mexico. Helms gave his blessing to Coverdell's solution and then confided: "And remember, Paul, no one will remember a thing about this a week from now."

Helms hates embassy parties. "They invite us for 8:00, people come at 9:00, they have a cocktail hour and then sit down for dinner at 10:00, the speeches begin at 11:00, and you get home at 12:15," he says. "I just don't go to them." Senators who do, Helms says, doze in the Marble Room off the Senate floor the next day. Nor does Helms make a beeline to the White House when summoned. In April, Clinton invited a handful of senators to a private foreign-policy discussion at Blair House. Helms declined, using the excuse that his granddaughter was in town. She was, but the fact is he just wasn't interested in going.

While sensitive to criticism, Helms is never bowled over by it. He reads the *Washington Times* and the *Washington Post* at home before driving to work. Like Reagan, he reads *Human Events*, the conservative weekly. His administrative assistant, Jimmy Broughton, gives him packets with news magazines, opinion magazines, and articles from other newspapers, but Helms doesn't read much of the stuff. He does like columnists Robert Novak, Wesley Pruden, and James Glassman. He loathes the *New York Times*. He has told aides: "I don't care what the *New York Times* says, and nobody I care about cares what the *New York Times* says, and nobody in North Carolina cares what the *New York Times* says." But he manages to read the *Times* columns of William Safire. "I enjoy

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Safire," he says. "Everybody should." And he read a *Times* editorial on July 29 trashing him as "imperious" and "parochial" and endorsing Weld. Typical, he said.

When Helms does submit to an interview, he's breathtakingly candid. In 1995, I asked Helms on CNN if he thought Clinton was up to the job of being commander in chief. Helms said no, a flat, honest answer that other politicians would have been afraid to give. Later, he joked to a North Carolina reporter that Clinton should get a bodyguard before coming to North Carolina. (Washington reporters tried to make a major story out of this by suggesting it was a threat to Clinton's physical safety.)

Helms is undiplomatically frank about his dismay with Europeans. Last February, U.N. ambassador Bill Richardson insisted the United States should pay its U.N. dues because the money was owed Europeans for Bosnian peacekeeping. Helms exploded, poking Richardson in the chest. "Let me tell you something about the Europeans," he said. "Because of the British flirtation with appeasement, 300,000 American boys are in graves in Europe. Don't tell me what we owe the Europeans."

And when the new British foreign minister, Robin Cook, breezed into Helms's office on his first trip to Washington after the election of a Labour government in Britain last May, that meeting didn't go well either. Cook groused about the Helms-Burton Act, which tightened the embargo on Cuba and made British and other foreign companies liable in American courts for exploiting nationalized U.S. property. "We saved your bacon two times in this century," Helms replied. "And when we need something, you don't give us a thing." Senator, you don't understand, Cook said. "Yes, I do understand," Helms insisted.

That exchange was just the beginning. Helms, in his thick rural accent, suggested the British were appeasing Fidel Castro. He brought up Neville Chamberlain, the British prime minister who sought in vain to accommodate Hitler. (Aides of Helms have heard his Chamberlain spiel so often, some can repeat it verbatim.) Cook and his entourage fumed over that jab. Then Cook complained Britain had deployed troops in Bosnia for an extended period when the United States didn't. "Congratulations!" Helms shot back acidly; he had opposed the eventual dispatch of American soldiers to Bosnia in any case. Helms couldn't resist expressing his undying admiration for former prime minister Margaret Thatcher, whose Conservative party the Labourites had just ousted. After 20 minutes, Helms had had enough of his visitors. He stood up. "Nice of you to come," he told Cook, ushering him to the door.

Several weeks later, Ian Smith, the leader of white-ruled independent Rhodesia in the 1970s, dropped by Helms's office on Capitol Hill. Helms and Smith are old friends, and the meeting went swimmingly: Smith got 30 minutes with the senator.

Helms's most striking trait? "When you get right down to it, he's got a ton of guts," says Carter Wrenn, a former political adviser who split with Helms in 1994 in a fund-raising dispute. "He's not intimidated by the process," says Coverdell. "He won't let the system push him around." On matters he considers important, he'll tie up the Senate for days. Helms infuriated senators in 1982 by filibustering against a gas-tax hike as the Christmas recess was supposed to begin. Republican senator Alan Simpson of Wyoming refused to shake his hand after that debate. Helms is always ready to attack liberal icons, even if it rubs racial sensitivities. In 1983, he strongly opposed the creation of Martin Luther King Day, a holiday many conservatives, including Reagan, had endorsed. Helms says he didn't take into account the unpleasantness his opposition might generate, and shouldn't have.

"I've got to sleep with myself," he says. "If I get to that point in my thinking, I ought to leave the Senate." Still, as a favor to then-senator Mack Mattingly of Georgia, he agreed to help raise money for the King Center in Atlanta in 1985. In a letter to Coretta Scott King, Helms said he had only one condition. She would have to release all King's old files. (Helms thought they might reveal links to Communists.) He never heard back from her.

Helms's gutsiest decision has been to confront the homosexual movement. Few Republicans have joined him. "The whole sexual lobby has worked on the Congress," says Helms. "They've succeeded in having senators scared to death of them." Helms isn't. He's tried unsuccessfully to stop medical research funds from going disproportionately to the search for an AIDS cure. In 1994, he added a chapter on homosexuals to his only book, a thin paperback, *When Free Men Shall Stand*, first published in 1976. The chapter title:

HE IS UNDIPLOMATICALLY FRANK ABOUT HIS DISMAY WITH EUROPEANS AND BRINGS UP NEVILLE CHAMBERLAIN AND APPEASEMENT OFTEN.

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"How about Sodom and Gomorrah anyhow?" It tells the story of a U.S. Agriculture Department official transferred after criticizing, in a television interview, the presence of gay officials at the department. Helms held up all the department's legislation and nominations until the official's job was restored. "The Bible is unmistakably instructive about the sin of sodomy," Helms writes. "I confess I regard it as an abomination."

After 25 years, Helms is still a misunderstood man in Washington. For him, politics is never a game. He doesn't swap favors. A week before the vote in May on the Chemical Weapons Treaty, the State Department went along with Helms on reorganization. A bargaining chip, the media declared. If it was, it was a bargaining chip that didn't affect Helms's vote. In June, when Helms declared his opposition to Weld, the governor's first response was to run to the press and organize a lobbying drive. Those were the wrong tactics. "If you want to get Jesse's attention, you knock on his door," says Bob Dole. "You don't put it in the paper." But it's too late for that now.

The rise of Helms, for all his success, comes with a price tag for Republicans. He is a polarizer, a provocateur, hated by the Left and disliked by centrists. He enrages feminists and gays with his stands against abortion and gay rights. Helms is so unpopular with blacks that he doesn't bother surveying them in his campaign polls. GOP moderates fear Helms creates exactly the wrong image for the party: too right-wing, angry, intolerant. Their idea of a nice conservative is Reagan—genial, open-minded, not excessively right-wing.

In truth, Reagan was every bit the conviction politician Helms is. He agreed with Helms on nearly everything, including the social issues. Their differences were solely matters of style. Reagan, as candidate and president, was conservatism with a happy face. Helms is conservatism with a stiffened spine. Reagan's success as a conservative leader, however, wouldn't have happened without Helms's bracing him. The Republican party needs another duo like that. What's missing, obviously, is a new Reagan. Helms is still here, operating at full tilt. ♦

THE PAIR FROM PASCAGOULA

How a Trial Lawyer and a State Attorney General Stand to Score Big from the Big Tobacco Deal

By Christopher Caldwell

Southerners have a reputation for loudly proclaiming who their friends and enemies are. Richard Scruggs, the greatest trial lawyer Mississippi has ever seen, is no exception. As Scruggs waits in a corridor of the Dirksen Senate office building after a hearing on the tobacco deal he largely crafted, a reporter wanders by and asks whether Scruggs is a Republican or a Democrat. "I generally vote for the man," Scruggs says. "M'bess friend Mike Moore's a Democrat. My brother-in-law Trent Lott's a Republican. I vote for the man."

Who wouldn't? Moore is the attorney general of Mississippi. Lott is the majority leader of the U.S. Senate. And Scruggs, whom Moore hired as Mississippi's lead tobacco lawyer, stands to make literally billions in lawyers' fees from June's consolidated 40-state, $368 billion "tobacco settlement." That settlement resulted from a lawsuit launched by Moore; to become final, it must be approved by Lott's Senate.

Lott, Moore, and Scruggs are all from Pascagoula, Mississippi, a Gulf of Mexico port where many of the 26,000 residents make their living building Aegis destroyers and other ships and unloading cargo. What is it about the place? Lott has announced he will recuse himself from discussions and votes on the tobacco settlement. But the other two have engineered an agreement that, if it passes, will be the most lucrative legal settlement in history and the largest federal intrusion into personal behavior since Prohibition.

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The health advocates who call it a big advance for America's health may not be wrong. But those who think we ought to worry about two small-town pals' leveraging their friendship into a society-transforming pact are certainly right.

At first sight, the collusion between Scruggs and Moore looks like one more instance of the oft-mentioned influence of America's trial lawyers, those who sue deep-pocketed companies for harmful products and work on "contingency fees" that allow them to collect 25 percent—or more—of gargantuan class-action settlements. Attorneys general like Moore get to choose the government lawyers who litigate a state's small cases and the private lawyers who litigate the big ones. They can also influence whether America's controversial tort system gets reformed. Democrats tend to look more favorably on trial lawyers than Republicans do—so it's not surprising that trial lawyers respond with generous campaign contributions. That may be why, in a time of Republican dominance at the state level, 32 of 50 attorneys general are Democrats. Says Alan Ehrenhalt of *Governing* magazine, attorney general "turns out to be a good job for a liberal in a conservative state." A good job for Mike Moore.

Kevin Chadwick

But while Moore has been the public face of the tobacco suits, Scruggs provides the intellectual firepower. None of his allies or adversaries has ever described him as a lawyer of less than extraordinary skills. Scruggs had a five-year stint as a Navy fighter pilot, then attended law school at the University of Mississippi, where he met Moore. After a short time working in commercial law and legal defense, he returned to Pascagoula, where he developed an efficient way of turning asbestos into money. With class-action suits illegal in Mississippi, Scruggs mastered the art of filing single complaints with thousands of named plaintiffs. His biggest early target was the Ingalls shipbuilding plant, Pascagoula's largest industry (where Scruggs's mother had worked as assistant to the chief counsel during Scruggs's boyhood).

Most of Scruggs's suits were filed in the friendly Jackson County courts in Pascagoula. What Mississippi's Gulf Coast offers, according to one New York litigator who has worked on cases there, is "dioxin, asbestos, and tobacco—the holy trinity of the plaintiff's bar. You get smart, eloquent plaintiff's lawyers—who happen to be hometown boys—and a malleable judiciary whose impartiality is open to question. Then you come down in a $1,200 suit representing a far-off corporation that has to explain why its products made all these local people sick. You don't want to be there."

The Pascagoula courthouse gave Scruggs a home-field advantage, to which he added a willingness to hire the best talent from out of state. Scruggs early on used presidential consultant Dick Morris (recommended to him by brother-in-law Lott, another Morris client) to do extensive polling for Scruggs's asbestos efforts. Long before Mississippi launched its tobacco suit three years ago, Morris did more testing for Scruggs and found juries would be more receptive if the lawsuit were based on reimbursing *taxpayers* rather than reimbursing smokers. Much has been written about how the ingenious strategy—suing the tobacco companies on behalf of *non*-smokers—came to small-town Mississippi trial lawyer Michael Lewis in a flash of inspiration in the spring of 1993. But Scruggs admitted for this article that Morris's polling work began in the "late spring" of that year, and Morris remembered it as even earlier. Given the fact of Morris's polling, it seems more likely the strategy was hatched by him and Scruggs.

If so, it would be indicative only of Scruggs's any-trick-in-the book legal canniness. Particularly interesting is the timing of Mississippi's suit, the first in the nation. In 1993, Mississippi passed a sweeping tort reform, to be fully effective in July 1994. The Moore-Scruggs suit was filed in May 1994, two months before the deadline. What's more, the tort-reform rules

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applied only in circuit court; it is surely no coincidence that the suit against the national tobacco companies was filed in Pascagoula's *chancery* court. (Mississippi is one of the last states to have chancery courts, a vestige of British-based equity law, and they're usually used for divorces.) The choice of chancery court allowed Scruggs and Moore to proceed towards a non-jury trial that would have allowed one local judge to pass judgment. Unfortunately for Scruggs and Moore, interstate-commerce rules would also have allowed tobacco companies to petition to have the case moved to federal court. So Scruggs added to the suit a number of Mississippi distributors, a maneuver that kept the case where he wanted it.

BY HIS OWN ACCOUNT, SCRUGGS HAS SPENT $2.5 MILLION ON TOBACCO SUITS. IT'S HARDLY A SELFLESS INVESTMENT.

Richard Daynard, a professor at Northeastern University Law School and chairman of the Tobacco Products Liability Project, thinks Scruggs will be remembered as the lawyer who ran the most risks to bring tobacco litigation forward. When Merrell Williams, an indigent temp, was faced with criminal prosecution for stealing thousands of pages of documents from tobacco company Brown & Williamson, it was Scruggs who became the whistleblower's designated protector. Scruggs introduced Williams to Democratic congressman Henry Waxman, bought him a house and a boat, and paid him $3,000 a month.

Scruggs "was in a tricky position," Daynard says, "and his behavior was both courageous and adept. He saw the right thing to do and went and did it." The industry has put "a quite nasty interpretation on it," according to Daynard, accusing Scruggs—at least up until the tobacco settlement—of putting Williams up to the task. "I think the interpretation couldn't work under the facts," Daynard says. "No one really doubts that Williams took the papers before he ever met with, or heard of, Dickie Scruggs. It's hard to make the case that Scruggs conspired with Williams to commit the crime."

By his own account, Scruggs has spent $2.5 million of his own money pursuing tobacco litigation. (His firm, Scruggs, Millette, represents 25 states' tobacco suits.) It's hardly a selfless investment: While much of Scruggs's money has been used to prosecute the case, much of it has gone to buy political influence. Moore, first elected in 1987, routinely gets to fly around in Scruggs's private jet, not just for tobacco business but also for campaigning. Scruggs was Moore's largest campaign contributor in 1991, and lawyers who stand to profit from tobacco litigation gave $24,166 to his 1995 reelection effort.

Moore is not alone in getting flown around. Lieutenant governor Ronnie Musgrove, a Democrat who (as president of the state senate) has stymied further tort reform, also made liberal use of Scruggs's plane during the last election. But given Moore's award to Scruggs not only of the biggest piece of tobacco litigation but also of the lead role in a 1992 Mississippi asbestos suit that resulted in a $2.4 million contingency fee, this sort of in-kind contribution smacks especially of a quid pro quo.

If the tobacco deal is ratified by Congress, the amount coming to the very few law firms involved will be staggering. While estimates of $10-14 billion in total compensation have been bandied about, the true eventual compensation will probably be much higher. The figure is anybody's guess, because most fee arrangements are secret—including Mississippi's. "Early on, we told Moore we'd like to review his contract with the lawyers," says an aide to Mississippi governor Kirk Fordice. "His response was, 'Well, there is no contract.'" Moore has announced that Mississippi will not pay its lawyers through notorious contingency fees. But almost all the rest of the states *will*—at rates as high as 25 percent. With two dozen states in his portfolio, Scruggs could earn literally billions off the tobacco deal.

Minnesota attorney general Hubert H. Humphrey III (who opposes the tobacco deal as too lenient on tobacco) has a contingency-fee agreement with his own state's lead firm, Minneapolis-based Robins, Kaplan. He thinks such fees are not unreasonable. "These people have put their businesses on the line. Obviously they have taken great risks. Basically, they have a right to 25 percent of what is recovered." Humphrey admits that sounds high. "That has got to be taken in perspective by the court. There probably will be people who ask, 'If those resources are available for attorneys, why can't they be available for the taxpayer?'"

The fees are about more than money, though: They're about the ability and inclination of the trial bar to reshape American politics over the years to come. Alabama senator Jeff Sessions, who sits on the Judiciary Committee, now holding hearings on the tobacco deal, has said, "If you can get $360 billion from one industry without a clearly stated cause of action, don't think these people won't go after another industry."

Sessions is right. In mid-July, Scruggs's colleague Ron Motley of South Carolina said, "We're negotiating

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with AGs on another disease area. We're also negotiating to take on some business-tort cases. And some consumer-protection cases." A recent *Forbes* article mentioned a Washington man who in June sued Safeway, the supermarket chain, over a "milk addiction" that was clogging his arteries. Scruggs thinks one can read too much into that: "I don't think he meant to challenge new products the same way we challenge tobacco," he says. In other words: *Trust us*. Scruggs does add, though, that "there are many consumer-fraud-type cases out there that the attorney general cannot pursue for lack of resources."

Such resources are easily forthcoming. The anti-tobacco trial-bar milieu is clubby and good-ol'-boyish. There is Motley, the great courtroom impresario of the bunch; Don Barrett, a Lexington, Mississippi-based anti-smoking activist; and Michael Lewis, the one credited with the inspiration to launch a suit along the lines suggested by Dick Morris. Many of these lawyers were brought together at Louisiana tort lawyer Wendell Gauthier's request for a banquet at a New Orleans restaurant in 1994. Gauthier requested $25,000 from each of the lawyers to put into a fund to keep tort lawyers from being muscled off cases by deep-pocketed tobacco companies. (The companies' classic description of their litigation strategy, according to one purloined memo, was a paraphrase of Gen. Patton: "We don't win by spending all our money defending cases. We win by making the other guy spend all of his.") The idea, according to Daynard, was to form "a bloc that couldn't be knocked off."

This money, of course, can go into politics as well as litigation. "They're gonna have so much money in the next race that they'll be able to buy any office in the state," says one GOP activist in Mississippi. The state's trial bar has not traditionally been one of the nation's most powerful; Scruggs's colossal asbestos claims were the first time anybody paid much attention to the state's plaintiff's attorneys. But since then they have begun to throw their electoral weight around. In 1991 when a vacancy came up on the state supreme court, then-governor Ray Mabus enraged the tort lawyers by awarding the post to a prominent malpractice-defense lawyer. So the trial bar recruited Chuck McRae, a former president of the Mississippi Trial Lawyers Association whom *Reader's Digest* named one of the "Ten Worst Judges in America." McRae, who is—surprise—also from Pascagoula, handily defeated Mabus's medical-association-backed candidate in the following election.

Ten months ago, a confidential Republican-commissioned poll found Mississippi voters receptive to reforms that would cut into the ability of Scruggs and others to pursue ambitious litigation. Eighty-five percent favored a law that would limit contingency fees to 15 percent, 77 percent favored limiting some malpractice awards, 85 percent would stop the attorney general from hiring private lawyers who've contributed to his campaign, and 69 percent favored discontinuing contingency fees for lawyers hired to represent the state.

But such numbers are subject to change. It can be difficult to judge who's right and who's wrong when Republicans play politics with tort law and tort lawyers prey on companies to line their pockets.

That's where Mike Moore comes in. Much of the foregoing makes it sound as if Moore is merely the beard for what is essentially the power politics of Scruggs and the Mississippi trial bar. He is that, but he is more than just the pretty face of product-liability entrepreneurs: He is the conscience they show off to the world.

Moore, now in his third term as attorney general, has never been in private practice. He did his undergraduate work at Ole Miss, where he was a long-haired rock musician, before heading to law school. Elected district attorney in Jackson County as a freshly minted lawyer, he made a name for himself by prosecuting corrupt sitting members of the county board of supervisors. Two years later, he was state attorney general.

Moore is not a run-of-the-mill Democrat. He has worked closely with the Clinton White House on crime, but no more closely than he did with the Bush Justice Department, where those who worked with him remember him fondly. "Moore was extremely committed to fighting crime," says one Bush official. Moore remains a death-penalty advocate and favors phasing out parole. Colorado attorney general Gale Norton has called him the most conservative Democratic attorney general in the country. Several of his most important staffers are Republicans. And right-wing Mississippi legislator Ken Stribling, the sponsor of much of Mississippi's anti-abortion legislation, notes that when such legislation has been challenged by NARAL and the American Civil Liberties Union, Moore has successfully defended every bit of it. "He wouldn't last long in the national Democratic party," says Stribling.

MOORE IS NOT JUST THE PRETTY FACE OF PRODUCT-LIABILITY ENTRPRENEURS: HE IS THE CONSCIENCE THEY SHOW OFF TO THE WORLD.

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"He's anti-crime, anti-drug, and pro-personal responsibility. He's an honest-to-God moderate."

Others, though, say that Moore is a down-the-line liberal who is simply dealing with the reality of a pro-life, law-and-order state. Moore supported President Clinton on the Brady bill, even though gun control is opposed by 97 percent of the population in some Mississippi districts. And despite the fact that the number of abortion clinics in Mississippi fell from dozens to a handful between 1987 and 1991, Moore, in a 1989 special election, attempted to forge a Cuomo-esque "personally pro-life but it's up to the individual conscience" position.

Unsurprisingly, this public moral anguish and willingness to run against the tide has made Moore a hero to the local Gannett paper, the Jackson *Clarion-Ledger*, and to others besides. In early July, Moore was given the highest award the American Medical Association bestows on non-doctors. "He's got a great, TV-oriented way of communicating," says Stribling.

That seems to be another way of describing the blue-nose, Boy Scout bullying that Moore has perfected. He is a master of the empathic soundbite. "I'm doing it for him," said Moore, when he launched his lawsuit, hugging his little son. Tobacco, after all, is, according to the rhetoric, a "pediatric epidemic." That's why Moore is out to "punish" the tobacco companies, "destroy" the Tobacco Institute, and "hurt" tobacco executives. With this kind of rhetoric, one can be sincerely surprised that Moore hasn't put tobacco executives on trial for murder.

Moore is unlikely to be called a Babbitt because in addition to being a moralistic person, he appears to be a genuinely *moral* one. And a genuinely idealistic one—by his own lights, of course. One associate of his talks about a time a few years ago when Moore was musing aloud to a bunch of lawyer friends about how he'd love it, once he left office, if they could all get together and start a law firm.

"And everyone said, 'Gee, Mike that's a *great* idea. I'd love to do that with you.'"

"And Mike said, 'Yeah. Just think: Think of all the good we could do for people. There'd be a lot of possibilities for *pro bono* work, and—'"

"And one of Mike's friends said, 'Whoa, Mike! Whoa!'"

One Mississippi Republican notes, "Operatives tell me Mike Moore is squeaky clean, but he has also created that perception for himself." Moore can get carried away with his own moral self-aggrandizement, as he did in 1989 when he ran to fill the congressional seat of Larkin Smith, a Republican congressman who was killed in a plane crash. Moore, who had scarcely known Smith, was featured on the front page of several local papers grieving on his knees at the dead man's wake, in a way that smacked of Clintonesque tragedy-milking. Moore complained: The photos were not his doing, and he was simply paying his respects the way a practicing Catholic would. Others claim Moore was reluctant to leave the dead man's side until the cameras had had a chance to catch him there. It was the biggest mistake of the campaign, but it was hardly the only one. Favored going in, Moore had virtually no grass-roots base and got clobbered, finishing third of three candidates, behind Gene Taylor, who still holds Smith's seat today.

Moore's opponents consider him a grandstander, not least Gov. Fordice. When Moore first announced the suit in 1994, he did so without consulting the governor. And last year Fordice filed a suit (which never came to court) that challenged Moore's right to sue tobacco companies for Medicaid payouts in the first place, since the governor is in charge of Medicaid. One Fordice aide describes Moore as "smooth, polished, charming, idealistic, hot tempered. And not the smartest guy I ever met." Fordice was even more direct, picturesquely opining, "He makes me want to puke."

Puke or not, Republicans worry that Moore's politics is a winner. According to one Fordice adviser, "The attitude among voters is, 'He's an honest guy, he's holding the pols' feet to the fire, and now he's bringing hundreds and hundreds of millions into the state.' If I were in the shoes of certain Republicans holding statewide office, I would be watching him real carefully."

The tobacco deal makes clear that Scruggs and Moore have brought something altogether new to politics. What is it, exactly? Dick Morris has the most grandiose idea of its implications. "It's one of the forms of 'triangulation,' between government, individuals, and communities," Morris says. It's almost Tocquevillean in his telling, except that the "community" is partly government itself and partly a tiny sliver of the *private* sector that is making millions, or billions, off of private negotiations. That doesn't bother Morris a whit. "Private negotiation is appropriate in the era of limited government," he says. "More leadership and less government. That's what Clinton has authored."

Agreements like the tobacco deal might suggest something else: the collapse of representative government. Congress lacks the political will to make cigarettes illegal, and yet lacks the will to just sit there in the face of clamoring activists. So its members acqui-

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esce in the making of what is basically private justice through the courts. Law professors have long regarded the tort system as de facto regulation, yet this is the first instance where the tort system has been used to impose a comprehensive regulatory regime. Moore says he's even helping draft legislation, which is troubling to Alabama senator Jeff Sessions. "My view is the U.S. Senate doesn't exist to ratify private agreements between litigants," Sessions says (although he admits the situation is unusual because a huge industry has agreed to the idea that it's not paying enough money to deal with the injuries caused by its product).

Sessions is in an excellent position to judge the settlement. He faced harsh attacks and heavy spending from the national trial bar in his 1996 Senate campaign, after a stint as attorney general during which he withstood great pressure from neighboring attorneys general to join the tobacco litigation. His reasoning was that the theory of law behind it is incoherent. (Sessions boasts that he takes no money from the tobacco industry.)

"You've got a group of attorneys general wearing the imprimatur of truth and justice," Sessions says, "sort of being front people for a highly sophisticated and determined group of trial lawyers picking on an unpopular industry." Sessions has identified better than anyone the essential corruption of the Scruggs-Moore partnership. The above-it-all, "for the children" moralizing of Moore would be feckless without the stop-at-nothing worldliness of Scruggs; the buck-raking Machiavellianism of Dickie Scruggs would be intolerable to the voting public without the catechistic pieties of Michael Moore.

There are elements of Carterism and Clintonism in this partnership. The crusading, brass-knuckles litigator and the holier-than-thou attorney general are archetypes of the New South. But a tobacco agreement that takes the arrangement national, and threatens to turn plaintiff's lawyers and state-level prosecutors into virtual branches of the federal government, should worry us deeply. Even if it is an old story in Pascagoula. ♦

The Ballad of Charlie Trie and Mr. Wu

The Thompson Hearings Get Interesting

By Andrew Ferguson

Tuesday, July 29

Jingle, jingle, jingle. I could hear him in the hallway outside the room where the Thompson hearings are held, and I knew at once: He was back. That's what you hear when he's around, louder sometimes than the high, reedy voice—*jingle, jingle, jingle.* Lanny Davis, the special White House counsel in charge of damage control, is a tightly wound man. He is never fully at rest. As he speaks, he rocks forward on the balls of his feet, as if he were peering over a hedge. When he holds a piece of paper, he rolls it into a tube and twists it, twists it, until it's the circumference of a pencil. If he doesn't have a piece of paper he digs deep into his pocket and grabs a clump of change, then releases it, over and over again. *Jingle, jingle, jingle.*

Lanny has been a fixture of the Thompson hearings from the first week, jingling and spinning, waiting outside the hearing room to tell reporters during breaks that they've heard all this before, it's old news, why don't you guys give the White House a fair shake, that's all we're asking, a little balance, is that too much to ask? *Jingle, jingle.* But I hadn't seen him at all during the week of July 21. His defensive skills hadn't been needed. Chairman Thompson had turned over three days of hearings to the Democrats, who used them to ventilate a sleazy foreign loan executed in 1994 by Haley Barbour, the chairman of the Republican National Committee. Today Lanny returned, and it was not a good day. As the hours wore on he assumed the look of a guy who had just returned from an idyllic vacation to find his house eaten up by termites and his

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son in bed with the Orkin man. I almost felt bad for him. Let me stress: *almost*.

This is a week devoted to Charlie Trie, the "Little Rock restaurateur," as he has come to be known, who contributed $220,000 to the Democratic National Committee from 1994 to 1996, and raised an additional $400,000 for the lucky donkeys. Trie has now fled the country to China, and all of the money has since been returned, because it turns out—brace yourself—that Trie's fund-raising techniques did not conform to certain conventions of Western society, like laws. An FBI agent testified this morning to lay out the garish particulars.

Trie befriended Bill Clinton years ago at his Chinese restaurant in Little Rock, when the future president was just a chow-mein-lovin' governor from a place called Hope. When Clinton's fondest hope was realized, Trie followed him to Washington and set himself up as a "consultant." A more fitting job title would have been "loser." During his years in Washington he never made more than $30,000. But the fact that he was nearly penniless did not inhibit his generosity, in return for which he was invited at least 23 times to the White House, including a visit with other DNC high rollers to the private residence, where he dined with the president.

How is this possible? The FBI agent discovered a series of wire transfers from Asia to Trie's various bank accounts, totaling $1.4 million. And $905,000 of this came from a single source, a Macao businessman named Ng Lap Seng—known to associates, through some freakish transliteration, as Mr. Wu. Mr. Wu is, as his name implies, mysterious. Some have suggested he's in the Chinese mafia, others that he's a stooge for the Chinese government. Still others point out that the two possibilities are not at all mutually exclusive. In any case, Trie juggled Mr. Wu's money from one account to the next, and then donated it to the DNC. The money-laundering scheme, as laid out by the FBI agent, was explicit, detailed, and irrefutable.

Even the committee's Democrats were abashed, slightly. "Very disturbing," said Sen. Durbin of Illinois, shaking his head. "Highly suspicious," said Sen. Glenn, looking glum. The Republicans agreed. But what would Lanny say? When the hearing was over I rushed out to the hallway, where Lanny stood jingling.

"We will stipulate, as we have always stipulated, that there may have been certain people involved in these matters who might have crossed the line," he said, rocking forward. "That's for the record. But look: The American people have already read about Charlie Trie. They know all about Charlie Trie. What's new here?"

Lanny's back!

Wednesday, July 30

I stand corrected. Yesterday I wrote that Charlie Trie had "fled the country," but today I saw a fax from Charlie's Washington attorney. "Mr. Trie is not a fugitive from justice," the attorney wrote. "He has recently been outside of the United States pursuing business opportunities." Ah. He moves from triumph to triumph.

We got a fuller, even more colorful picture of him today. An essential episode in Trie lore tells of the half-million dollars that he tried to donate last spring to the Presidential Legal Expense Trust. He delivered the money—checks and sequentially numbered money orders—by hand, in large sacks. The trust, of course, is a defense fund, set up to help the president pay his many, many legal bills. Its board of trustees is a bipartisan group of men who have built highly distinguished careers sitting on boards: Elliott Richardson, John Brademas, Nicholas de B. Katzenbach, and perhaps the greatest board-sitter the world has ever known, the Rev. Theodore Hesburgh. Experts note that there has never been a highly distinguished, bipartisan board upon which Father Hesburgh has not sat. The man must have splinters.

As with all bipartisan boards, the trust's director is a Democrat, Michael Cardozo. Cardozo has a fine reputation, and like so many decent people who have become entangled with the world of Bill Clinton, he finds himself for the first time in his career at the center of controversy. Imagine the scene. Here you are, a prominent Washington attorney, working without pay, proud to enhance your unblemished record by answering the president's call to service. Yes, the job is an irritant, but he's your president, and when the president asks something of you, etc. And then suddenly, one snoozy morning, into your office walks this . . . this Creature from the Little Rock Lagoon . . . this shady apparition from your president's unknowable past . . . carrying envelopes stuffed with checks that he dumps out in wads on your conference table. "I am an old friend of the president," he says . . . "a close friend" . . . and in that moment you learn more about your president than you ever wanted to know.

Cardozo remains loyal, however. He returned Trie's donation, but went to great lengths to keep it out of the news. At one point, Trie even asked him to help market a line of Chinese-made inflatable toys. Again Cardozo demurred, but surely today he must wish he had never heard of Bill Clinton or Charlie Trie—or Father Hesburgh, for that matter. When he took the

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job in 1994, President Clinton was the most despised man in the country, and Cardozo probably reasoned that collecting donations to his legal defense fund would have kept him as busy as the Maytag repairman. But he underestimated his president, as so many have done. Now he spends his hours giving depositions, offering congressional testimony, producing documents, meeting with investigators, answering press queries . . . another public servant whose life has been touched by the Clinton magic.

Thursday, July 31

Today is the last day of hearings for several weeks; they're scheduled to start up again in September. Much of the session was consumed in digressions. The first witnesses were Terry Lenzner and Loren Berger, private investigators hired by the trust to trace the source of Trie's attempted donation. But that's not what Republicans wanted to talk to them about.

Newsweek reported this week that an Oklahoma Indian tribe had met with Lenzner in May and asked him to dig up dirt on their senator, Don Nickles, who is also, perhaps by coincidence, a member of the committee. Lenzner was more than happy to oblige. For a fee of $17,000, Lenzner offered, among other things, to "conduct searches in appropriate online computer databases of Nickles, his wife Linda L. Morrison and two related companies." The deal was never consummated, but the *Newsweek* story allowed the senators to launch themselves into flights of moral indignation, from which vantage they looked down in disgust upon this fallen world where people do opposition research on their political adversaries. To a man, they were shocked—repulsed—*sickened* by such conduct. "I don't mind you messin' with me," Sen. Nickles drawled, "but I do mind you messin' with my wife." He sounded like Clint Eastwood. If only he didn't look like Wally Cleaver.

Lenzner and Berger were far more interesting on the subject of Trie's donations. It turns out that Charlie is a follower of a Vietnamese-born Buddhist nun called Supreme Master Ching Hai, whose globe-girding cult claims 100,000 followers. Many of their names wound up on the bogus checks and money orders offered to the president's trust. For her part, Ching Hai favors sequined cocktail gowns and elaborate headdresses, and is often transported in a gaudy throne borne by her male courtiers. Her cultists have been known to drink her bath water "for its curative powers" (no ring around this tub!) and to buy her watercolor paintings for as much as $80,000. It gets weirder: They're vegetarians.

Still, the ultimate source of the funds Charlie gave to the trust remains clouded in mist—like so much else in the committee's work. But the plot has thickened considerably this week: We started out four weeks ago with John Huang, but now we've got a cult, bags of illicit money, untraceable wire transfers, inflatable toys, private investigators, unaccountable White House visits, a nun in a cocktail dress, Elliott Richardson, and the mysterious Mr. Wu. What a time for an intermission. ♦

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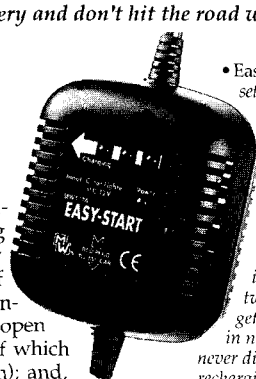

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"Sacrifices for Peace"

What else does the world expect Israel to do?

There is persistent pressure on Israel, mostly from the Arab states, of course, but also from such good friends as the United States, to bring "sacrifices for peace." It is understood that these "sacrifices"refer to greater "flexibility" in dealing with the Arabs, but mean primarily that Israel should allow its dismemberment, in order to bring peace to the region.

What are the facts?

A Bizarre Concept. The concept to bring "sacrifices for peace" is a new one that has never before found application in world history. It was created by Arab propaganda to induce Israel to agree to its dismemberment, to give strategic assets to those who are determined to destroy it, and to allow such self-destructive events as the creation of a hostile state in its heartland and the division of its capital.

Since its creation in 1948, Israel has been subjected to almost constant Arab terror, to unceasing Arab aggression, and to three major wars. Israel emerged victorious from each of these wars. In the Six-Day War, it recovered its heartland of Judea/Samaria (the "West Bank") and the eastern part of Jerusalem, its capital city, that had been occupied by the Jordanians; it captured the Golan Heights from Syria, which had been used for decades to shell and spread terror over much of northern Israel; and it conquered Gaza and the Sinai Desert that had been used by Egypt as staging ground and invasion route to Israel.

> Here are three good sacrifices that the Arabs could bring for peace: (1) Abandon the insistence on recovering the Golan; (2) Stop the clamor about the division of Jerusalem; (3) Disarm the Palestinian "police."

Many Sacrifices for Peace. In order to achieve peace with its neighbors, Israel brought sacrifices for peace that have no precedent in the history of the world. For peace with Egypt, Israel returned the entire Sinai. There is little thanks on the part of Egypt for this generosity and this sacrifice for peace. In the 17 years since the peace treaty between Egypt and Israel was signed, Egypt has still not established normal channels of cultural and commercial relations with Israel. The controlled Egyptian press spews daily anti-Israel venom. President Mubarak has never visited Jerusalem. It is the coolest possible peace. A sacrifice for peace brought in vain—probably a major act of folly on the part of Israel.

Israel made sacrifices for peace by signing a peace treaty with Jordan. In that peace, Israel granted Jordan a large yearly allowance of fresh water from its own dwindling and meager resources and accepted a petty demand for "border rectification"—yielding of land. That peace is almost as cold as that with Egypt.

As for Syria, no offered sacrifice for peace seems to be sufficient to satisfy its dictator, President Hafez Assad. Nothing will satisfy him and he is unwilling to consider even an ice-cold peace, except on terms of Israel's total surrender of the Golan Heights. Fortunately for Israel—and fortunately for the world—under the current Israeli government such a surrender is not in the cards.

The greatest sacrifice for peace that Israel has brought was the resuscitation of the bankrupt and moribund PLO terror organization and the acceptance of its "chairman" Yasser Arafat as a negotiating partner. In this ill-advised process, foisted on Israel by world pressure and by its previous government, Israel has made far-reaching and existential sacrifices and concessions. It has yielded control of the Gaza Strip and of all major "West Bank" cities to the Palestinian Authority and has agreed to detailed plans to grant further autonomy to the Palestinians. In what is probably the ultimate folly in this process, Israel has tolerated the formation of a Palestinian "police force" (actually an army) of 40,000 men—the largest police-to-population ratio in the world (!)—and has equipped this "police force" with a complete arsenal of automatic weapons. As the world now knows, these weapons were turned on Israeli soldiers and civilians at the very first

The Arab countries, not Israel, are the oppressors in the Middle East; it is they who are killing peace. The PLO, apart from the bloody crimes that it has committed against Israel, has ordered massacres of over 100,000 Lebanese civilians between 1982 and 1990. It has now established a virtual dictatorship in the territory allotted to it—torture and terror are the order of the day. In Egypt, thousands of Copts have been killed and their churches burned. President Assad of Syria has occupied Lebanon and has killed and tortured thousands. Iraq, under its dictator Saddam Hussein, is a rogue state attacking its neighbors and killing its own citizens, including with poison gas. Saudi Arabia is a monarchical tyranny. It prohibits the exercise of any religion except the most orthodox form of Islam. Jews are not allowed in the country. Christians are jailed or worse. Sudan is engaged in the systematic slaughter and enslavement of its black African people. How strange that nobody asks the Palestinians or any of the Arab states to bring any sacrifices at all for peace. Only Israel, an island of peacefulness and civility in that ocean of violence and turmoil, is incessantly being asked to bring such sacrifices. Here are three good sacrifices that the Arabs could bring for peace: (1) Abandon the insistence on recovering the Golan; (2) Stop the clamor about the division of Jerusalem; (3) Disarm the Palestinian "police." Billy clubs are good enough for London Bobbies. Why should any more be needed to patrol Nablus, Hebron and Bethlehem?

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Jock Shock

An Impressive, Flawed Account of Teenage Rape

By Arch Puddington

On March 1, 1989, a group of some 15 high-school athletes from Glen Ridge, New Jersey, assembled in the basement lounge at the home of Kyle and Kevin Scherzer, twin brothers known equally for aggressiveness on the playing field and loutish behavior everywhere else. The boys often gathered at the Scherzers' on a weekend afternoon for a few beers, some video games, perhaps a pornographic movie (a favorite pastime of the jock clique).

On this occasion, however, a different sort of diversion would be provided. One of the boys lured a mentally retarded teenaged girl who lived in the neighborhood to the house, promising a date with an athlete she particularly idolized. She was then coerced into performing a series of acts that, while subsequently characterized in the press as sexual in nature, were more accurately described by a New Jersey prosecutor as an "obscene science experiment."

She performed oral sex on one boy. Others fondled her breasts. She was egged on to insert her fingers in her vagina. A broomstick was inserted in her vagina, as was the barrel end of a full-sized fungo bat. After which, she was told to go along home, with a warning that if she talked about what had taken place, her mother would be told about the dirty things she had done. Finally, the boys enacted the traditional athletic ritual of placing one hand over another in a sick symbol of male solidarity.

Only a few of the 15 boys had actively participated in the sordid encounter. The rest either watched with varying degrees of enthusiasm or, in a few cases, got up and left, propelled by a vague apprehension that events were about to spin out of control. But none actually believed that what had been done to the girl was wrong or degenerate. Gross, yes. But certainly not immoral—or illegal. Almost to a man, they later testified that the girl had "asked for it" and had actually enjoyed the degradation. Indeed, the next Monday, word spread throughout Glen Ridge High School that something exotic had taken place at the Scherzers' house over the weekend, involving a local girl, a bat, and a broomstick. Some of the jocks were talking about a repeat performance, only this time, they hoped, the affair would be videotaped.

Bernard Lefkowitz
Our Guys
The Glen Ridge Rape and the Secret Life of the Perfect Suburb
University of California, 428 pp., $29.95

Eventually, word did filter out to the authorities. Eight of the boys would be charged with various offenses. Four were convicted of sexual abuse; three of them were sentenced to relatively light terms in confinement, which they began serving only this June, after their appeals were denied and over eight years after the incident occurred.

Bernard Lefkowitz's *Our Guys* is really two books. First and most successfully, it is a crime story, often brilliantly rendered by a writer who boasts an Edgar Prize among his credits. Less convincingly, it is a work of engaged social science, in which this one deeply disturbing incident is expanded into a modern morality drama in which the villains are male athletes in particular and suburban America generally.

Fortunately, Lefkowitz the crime reporter predominates. A journalism professor at Columbia, he covered the Glen Ridge case for *Newsday* over a six-year period, during which he talked to just about everyone involved in the affair except the defendants and their families. He makes no attempt to conceal his sympathies, and his contempt for the miscreant athletes seems warranted by any standard except their own, twisted, sexual code. That high-school football players can behave like boorish jerks will come as no surprise to anyone who received a normal American public education. But the jocks in Glen Ridge High School's class of 1989 took teenage barbarism to a new plateau. They wrecked houses, defied teachers, and behaved like monsters towards girls. Their ultimate thrill was an exercise called "voyeuring," whereby one boy would escort a girl to a bedroom for a sexual encounter—almost always oral sex—while his buddies watched from a closet or window. They would afterward brag about their exploits—ideally, in the girl's presence.

The Scherzer twins, Chris and Paul Archer, Richie Corcoran, and the rest of this uncontrolled herd are an easy target for a writer of Lef-

Arch Puddington works for Freedom House in New York. He is completing a history of Radio Free Europe-Radio Liberty.

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kowitz's abilities, and he can't resist the impulse to linger over every act of adolescent insolence and misogyny that presaged the fateful basement incident. Yet the portrait of the defendants is not without its complexities. They came from apparently stable two-parent families actively involved in the civic affairs of Glen Ridge; their parents were churchgoing people who could be counted on to come to a neighbor's aid in a crisis. Nor were the parents unloving or disengaged. The fathers were intensely involved in their sons' lives, particularly when it came to sports.

Lefkowitz believes this was precisely the problem. He identifies an overemphasis on sports as the source of Glen Ridge's tragedy. The relationship between team sports and sexual assault is, in fact, a serious, though complex, subject. There are many American communities, from Beaver Falls, Pennsylvania, to Midland, Texas, where the most sacred ritual is the Friday-night high-school football game. While the priorities of these communities may be distorted by their athletic passions, there is no evidence that gang rape by high-school ball players is a routine occurrence.

But there is also no denying that many high-school and college athletes today believe they are above the law: They assault and beat women, steal cars, rob stores, attack strangers over petty insults. Painting with an absurdly broad anthropological brush, Lefkowitz believes the fault lies in male values transmitted from fathers to sons. When combined with the attitudes of aggression instilled on the football field, Lefkowitz says, maleness becomes virulent.

But he reserves his most damning judgments not for the jock culture, but for Glen Ridge, which he portrays as the nightmare reality behind the American dream. "The chosen of the town did not dissent from the American dream," Lefkowitz notes, with obvious disapproval. "Generations of young people in Glen Ridge learned from their fathers and from the civic and social elite of the town that there was one supreme goal in life: achievement." Lefkowitz is particularly incensed at the town's even-handedness in apportioning blame and sympathy after the incident was made public. And with good reason.

AP/Wide World

The Scherzer twins, convicted on June 30, 1997

Too many were prepared to believe that Leslie Faber (the victim's pseudonym) had "asked for it," or was "flirtatious," while rationalizing the boys' behavior as simply a case of overheated testosterone. School officials were particularly culpable in their refusal to articulate clear moral judgments and their willingness to make accommodations for those implicated in the assault.

Lefkowitz exaggerates. The response of Glen Ridge was certainly deplorable, but was it different from other communities confronted by crimes, especially sexual assault, involving teenagers? In the Central Park jogger case, in which a young white woman was raped and beaten nearly to death by a group of minority youths on a "wilding" spree, many black New Yorkers openly supported the defendants while spreading the most scurrilous lies about the victim. There are other instances in which a community preferred to believe that a rape victim's behavior provoked the assault rather than accept the guilt of a group of "fine young men."

Lefkowitz reserves part of his indictment for American society in general. "If a culture is measured by how it treats its weakest members," he announces, "the Glen Ridge case, first to last, revealed American culture at its basest." In fact, in its treatment of the mentally retarded, America has done rather well, not only in providing education and social services, but in expanding the options precisely for children like Leslie Faber, whose handicaps are not so severe as to require constant adult supervision.

The complexities of raising a mentally handicapped child in an era in which rights and choices have been greatly enlarged is, in fact, one of the sub-themes of *Our Guys* that Lefkowitz handles with impressive nuance. Leslie, the second adopted child of a family that couldn't have children, was diagnosed as moderately retarded; her IQ was measured at 49. In a sense, raising Leslie presented a greater challenge than would a child with more severe disabilities. She had a normal physical development, could swim and play basketball, and had a remarkable ability to recall minute details of important experiences. She wanted the things other girls her age wanted: friends, romance, sports, a life away from her parents. At the same time, she was trusting and extremely immature. The female police officer who initially interrogated Leslie about the basement

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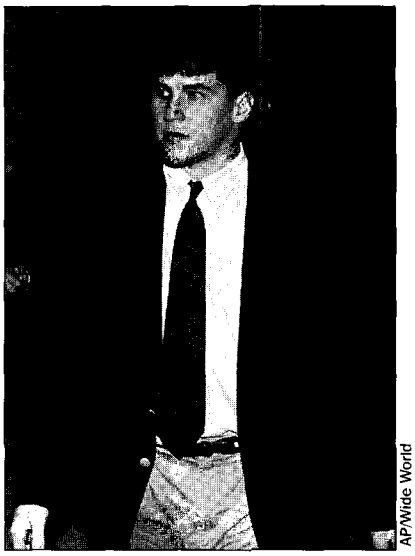
assault found it difficult to determine whether Leslie, with her ability to give a carefully detailed account of the encounter, could have been capable of giving consent to a sex act where physical force wasn't employed—the key question in deciding whether to charge the boys. What convinced her to proceed with the case was Leslie's plaintive, and utterly juvenile, request: "Please call their mothers and tell them they're bad boys."

Leslie was not packed away in an institution, nor was she kept isolated at home. Her parents allowed her to roam the neighborhood and make friends without their constant oversight. At school, she played on sports teams and had teachers and counselors who obviously cared for her well-being. The freedom she enjoyed—which earlier generations of retarded children were denied—speaks to the very best in America's reform impulse.

That this enhanced freedom may have contributed to her vulnerability to predators (there had been an earlier incident involving a mentally disturbed boy from outside Glen Ridge) does not in any way mitigate the crime committed against her. The ringleaders of the assault—the Archer brothers and the Scherzer twins—sought her out precisely because they knew she was "not normal." That is reason enough to warrant a harsher prison sentence than the one they received, and makes Glen Ridge deserving of severe judgment.

But Lefkowitz is clearly wrong in his assertion that America failed Leslie Faber. If there is an overarching lesson in this case, it is the tragic consequences of the abdication of adult responsibility, something of which Glen Ridge was no more or less guilty than the rest of our society. From junior high on, the boys who ended up in the Scherzer basement committed one misdeed after another without ever incurring serious sanctions from parents, the schools, or the community. If they destroyed property, their parents paid for the damage, and no legal charges were brought. Their coaches took the view that what the boys did



AP/Wide World

Chris Archer, convicted on March 16, 1993

outside of school was none of their business—unless underage drinking, the one offense that could bring suspension from sports, was involved. Teachers, presumably believing their administrators wouldn't back them up, turned a blind eye to thoroughly disgraceful conduct (one of the Scherzer twins masturbated in class, while other jocks and their girlfriends could be found writhing on the classroom floor in simulated sex acts). When administrators tried to crack down, the parents would invariably object to whatever measures were proposed. The schools maintained a "no fail" policy of automatic promotion, ensuring that athletes with failing grades would retain their eligibility.

Lefkowitz's theorizing about suburban American decadence detracts only a little from what is otherwise a remarkable journalistic accomplishment. Gripping and full of justified passion, *Our Guys* is capable of making the reader literally tremble with rage. But the real lesson is nothing more complicated than the importance of adults' setting down rules and enforcing them. If the standards that until recently were considered the norm throughout America had been upheld, the Glen Ridge rape would almost certainly never have taken place. ♦

HOGAN HERO

The Life of a Lonely, Determined Golfer

By Jay Nordlinger

When Ben Hogan died on July 25, the golf world seemed slightly stunned. He was 84 and had been sick for several years, but he was always a hovering presence around the game, a necessary part of its self-image. Not that he ever talked to anyone. He kept to himself at Shady Oaks Country Club in Fort Worth, smoking his cigarettes, staring out the window of the men's grill. Rule No. 1 at Shady Oaks was "Don't bother Mr. Hogan." But everyone revered him, and the staff of the club, during his long, final absence, kept a sign on his table that said "Reserved for Mr. Hogan."

He had been the greatest golfer in the world, the sport's most mysterious hero. The first American star was Bobby Jones—scion of Atlanta society, Harvard educated, the epitome of the gentleman golfer. Then came

Jay Nordlinger is associate editor of THE WEEKLY STANDARD.

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Hogan, who could not have been more different: hardscrabble, maniacal, obsessive about everything he touched. Next there was Arnold Palmer, golf's first television idol, who melted the screen with his charisma and approachability. And after him came Jack Nicklaus, the finest player ever, as even Hogan partisans will admit.

But it was Hogan who did most to develop the modern game. Before him, golf had been a "feel" sport, all art and no science, dominated by grizzled Brits and talented good-time Charlies like Walter Hagen. Hogan determined to make golf systematic and knowable. He was the first pro to make a religion out of practice. Hour after hour he stood on the shag range, experimenting with his swing, "digging it out of the dirt," as he said. He was a man utterly controlled by golf, and eventually he learned to control it. He could place his shots wherever he wanted, producing a "fade," a gentle left-to-right motion conducive to accuracy. He won 63 tournaments, including nine "majors," the tournaments that really count. In his banner year of 1953, he won three of the four majors—the Masters, the U.S. Open, and the British Open (all but the PGA)—an achievement still unequaled. At the time, he was the most famous athlete in the country, along with Joe DiMaggio and Ted Williams. All in all, Hogan defined a new standard and invited his opponents and imitators to meet it.

Every student of golf is familiar with the details of Hogan's life. He was born in 1912 in Stephenville, Texas, the son of a blacksmith. Ben was 9 when his father took a gun and killed himself, with Ben in the room. Soon, Ben found a job as a caddy at a local club called Glen Garden. There, he threw himself into the game with a desperate abandon. He "practiced until his hands bled" (as innumerable fathers have told their sons). He had no friends to speak of, only an imaginary companion named "Hennie Bogan," who sat on his shoulder and admonished him to do better. When night came, Ben slept in the course's sand bunkers. He announced to his mother that he would make himself a champion golfer or die. His boyhood was almost completely devoid of comfort or joy, but he later said, "I feel sorry for rich kids, I really do. They're never going to have the opportunity I had."

At 17, he dropped out of school and turned pro. Yet he was far from a brilliant golfer. He was adequate, and burned with a desire, never quenched, to get better. He failed, repeatedly, for some 15 years. He was so poor that he stole fruit from orchards and vegetables from gardens. In one well-known instance, he was robbed of the tires on his car in Oakland, California. He pounded on a brick wall and sobbed to another golfer, "This is the end. I can't move another inch." But he made his way to the course, wrapped himself in a mental cocoon, and shot 67, earning him a $285 check, the largest he had ever seen. He could go on.

Sometime in 1946, according to lore, Hogan had a revelation. In one version of the story, it came in a dream; in another, it came during one of his incessant practice sessions. He had always been plagued with a "hook"—a right-to-left running shot that leaves a golfer feeling helpless—but now he figured out how to hit a soft, manageable fade. This was Hogan's "secret," a much-debated insight about which Hogan himself was endlessly coy. (Sam Snead once remarked, disgustedly, "Anybody can say he's got a secret when he won't tell what it is.") Whatever he glimpsed, Hogan began to win, and win consistently.

There emerged a mighty triumvirate of Snead, Hogan, and Hogan's boyhood acquaintance Byron Nelson. The three men were markedly dissimilar: Nelson a near-saint; Hogan a bitter perfectionist; Snead a crude, extravagantly gifted country bumpkin. It seemed that one of them would win every tournament on tour. But in time, by some unfathomable force of will, Hogan pulled ahead. He was unstoppable. The rest of the field would look at him and, demoralized, simply know that he would not falter. At 5 feet, 8 inches, 140 pounds, "Bantam Ben" was the most feared competitor in golf. In January 1949, *Time* magazine put him on its cover, with the legend, "If you can't outplay them, outwork them."

One month later came "the Crash," as it is known in golf history. Hogan and his wife Valerie were returning home to Fort Worth from a tournament in Phoenix. The fog around El Paso was thick. A Greyhound bus, not seeing the Hogans' car, tried to pass a truck and barreled straight toward them. A second before impact, Hogan hurled himself across his wife in an effort to protect her. His action probably spared his own life, as the car's steering column was propelled through the driver's seat. Valerie was relatively unharmed, but Hogan was close to death. For two months, the nation's attention was riveted on the hospital. Word was that, even if he survived, he would be an invalid. On April 1, he was taken from his bed on a stretcher and placed on a train back home. There, slowly, in extraordinary pain, Hogan began to sit up and later to walk. Cards, letters, and telegrams poured in to him from every state. No longer was he viewed as a cold, distant golfing machine, but as a valiant, lion-hearted battler. Everyone—for a change—was rooting for him. Hogan had never succumbed to anything, and he would not, in fact, succumb to the Crash.

He first swung a club again in the autumn. In December, he played 18 holes, with the help of a motor scooter. Two weeks later, he entered the Los Angeles Open. Amazingly, despite his aching and fatigued body, he played Snead to a tie. He lost in the playoff, but, as Grantland Rice famously wrote, he really "didn't lose—his legs simply weren't strong enough to carry his heart around." In

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June the next year, 16 months after the car crash, Hogan won the U.S. Open at Merion near Philadelphia, an event Dan Jenkins called "the most incredible comeback in the history of sports." On the 72nd hole—the final hole of the tournament—Hogan laced a 1-iron to the green to cinch the championship. The photograph taken of Hogan's follow-through on that shot—with Hogan ideally posed, wearing his trademark "Hogan cap"—is a totem of the game, displayed on nearly every golf-shop wall.

In 1951, Hollywood made a movie about Hogan: *Follow the Sun*, starring Glenn Ford. In 1953, he sailed to Carnoustie in Scotland to participate in the British Open, the only time he did so. The Scots, astonished at the precision and concentration of the peculiar Texan who captured their tournament with ease, dubbed him "The Wee Ice Man." When his ship docked in New York, the city gave him a ticker-tape parade down Broadway, the first since General MacArthur's. The next year, Hogan founded a club-manufacturing company, which bore his name and which he was to oversee until 1993. In 1957, he contributed a series of instructional articles to *Sports Illustrated*, which became the best-selling *Five Lessons: The Modern Fundamentals of Golf*—a book that, though effective, confused many with its barely comprehensible talk of "pronation" and "supination." Hogan played creditable golf into the late '60s, but his putting—the bane of any golfer's advancing years—gave out on him, rendering his always-superb ball-striking moot.

While an admirable man, Hogan was not a pleasant one. In fact, many would say—even in a time of eulogy—that he was intolerable. Once, when he was sitting alone at his table for eight at Shady Oaks, someone cracked, "There's Hogan, with all his friends." Gary Player supposedly called him up from South America one day, suffering from a slump and seeking help. "What clubs are you playing?" asked Hogan. "Dunlop," answered Player. "Then call Mr. Dunlop," Hogan replied, hanging up.

Ben Hogan, 1912-1997

Chas Fagan

Nick Faldo once asked him what it took to win the U.S. Open. Hogan answered, with impeccable logic, "Shoot the lowest score." Similarly, when someone complained, "I'm having trouble with my long putts," Hogan came back with, "Why don't you hit them closer to the hole?" He once teased a golfer who yearned to know how to play a particular shot by saying, ludicrously, "I try to hit it on the second groove." And then there was the time, when President Eisenhower phoned, that Hogan barked to his secretary, "I'm not going to play with that g—d— hack." Hogan acknowledged no power above the ability to hit a golf ball soundly and to prevail in important tournaments.

"The Hawk" (this was another of Hogan's nicknames) was not the kind of hero that we have come to expect: the hero of the *Donahue* age, telling interviewers of his joys and sorrows, his triumphs and defeats, wearing his emotions on his sleeve. He once said—explaining his refusal to make public appearances, even to inaugurate the minor-league circuit christened the Hogan Tour—"Not everyone wants publicity, you know." Shrewd man that he was, he probably recognized the dangers of overexposure and the benefits of silence. He gave only one significant interview in the last decades of his life, in 1987 to a golf magazine: "The Hawk Talks!" the cover blared. His biographer, Curt Sampson, writes, "Insular types such as Bennie Hogan have always been drawn to golf, a sport requiring an ability to concentrate for long periods of time but with no mandate for cooperation or closeness with a teammate. He also enjoyed the utter fairness of the game, the way it compelled him to accept all the credit or all the blame. He loved its solitude, the way it absorbed him."

Hogan was unwilling to play the Senior Tour—on which Snead, Palmer, and others love to entertain and soak up the applause—because he could not stand for the public to see him at less than his best. But he still hit balls, never stopped practicing, never allowed his hands to grow uncallused.

Hogan—almost unique among professionals—did not play for glory (though he achieved it) or for money (though he earned it). He played in

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order to conquer the game, to solve its riddles, to bring it, at long last, to its knees. Upon hearing of Hogan's death, Ben Crenshaw said, "He defined the inner will that lives within us." No, it manifestly does not live within all of us—even dormant—but it lived unappeasably within Hogan, and because of it he was a great player, and a great man. ♦

CREW-CUT RADICALS

"Young Americans for Freedom" in the Sixties

By Jonah Goldberg

Throughout the "Ike Age" of the 1950s, the Left simmered while the Right seethed. Eisenhower's popularity, coupled with his acceptance of the New Deal, made true-believing conservatives feel like Christians in ancient Rome. With the arrival of the 1960s, both ends of the political spectrum came to a boil—with the Right heating up first.

Each side had its youthful shock troops. About Students for a Democratic Society and other organizations in the leftist orbit, we have heard much. Indeed, SDS's call to arms—the Port Huron Statement—is required reading in many college political-science courses. But about Young Americans for Freedom—vanguard of the Right—we have heard little. Thus, John A. Andrew's *The Other Side of the Sixties* provides a valuable service.

John A. Andrew
The Other Side of the Sixties
Young Americans for Freedom and the Rise of Conservative Politics
Rutgers University, 280 pp., $19.95

Andrew points out that the Left and Right have worked together to propagate a particular image of the 1960s—that it was a time of left-wing protest politics. Ronald Reagan and Newt Gingrich have been among the chief endorsers of this notion. But Andrew demonstrates that the decade included far more than left-radical agitation. YAF had approximately as many members as SDS. YAF organized earlier, and perhaps better, than SDS. It was in 1960 that YAF convened in Sharon, Connecticut, to decide on its principles; SDS did not hold its conclave in Port Huron, Michigan, until two years later.

Furthermore, YAF was considerably more blue collar than SDS, whose members were more privileged and held a decidedly elitist view of their role in the world. The YAFers, not the SDSers, sounded the louder alarm. The opening line of the Sharon Statement reads, "In this time of moral and political crisis, it is the responsibility of the youth of America to affirm certain eternal truths." The Port Huron Statement, meanwhile, begins with a certain lazy honesty about its self-indulgence: "We are people of this generation, bred in at least modest comfort, housed now in universities, looking uncomfortably to the world we inherit." And it is the authors of the Port Huron Statement who reside in syllabi alongside the men who wrote the Federalist Papers.

Why were the devotees of Russell Kirk routed by those of Herbert Marcuse? It could be that YAF set out to clean house and SDS, eventually, to burn it down. But a deeper answer may lie in the competing visions of the two camps. Leftist radicals could afford to be self-indulgent, their vision unconstrained. After all, they believed the U.S. government had the wealth and expertise to do anything it wanted, and that the Soviet Union was as often as not the wronged party in the Cold War. The conservatives had no such luxury. Young conservatives believed that communism was a very real threat abroad and that the leviathan state was metastasizing at home. In short, they had to be grown-ups, and hence a little boring. If you believe the Bolsheviks are at your door, you don't have time for bong hits. Therefore, Todd Gitlin's bestselling book *The Sixties* makes for more entertaining reading than, say, George Nash's *The Conservative Intellectual Movement in America Since 1945*.

The Left has masterfully spun the colossal mess it made of the universities and other institutions—as the *serious* politics of the 1960s. And as Andrew notes, many conservatives have bought this interpretation. But at long last, the revisionism has begun. The real mystery is why anyone swallowed the other line in the first place. After all, most of the radical leftists of the 1960s climbed down off the shoulders of giants, rejecting the wisdom of centuries in favor of . . . what? A communal adhocracy driven by the mantra "If it feels good, do it."

The founders of YAF were dedicated to the "wisdom of the ancients." This is the real historical curiosity. Almost since the founding, America's students have tried to grab the steering wheel from the back seat. As Oscar Wilde once observed, "In America, the young are always ready to give those who are older than themselves the full benefits of their inexperience." What Andrew demonstrates is the extent to which the young men and women of YAF were willing to do their homework, rather

Jonah Goldberg is producer of the national PBS series Think Tank.

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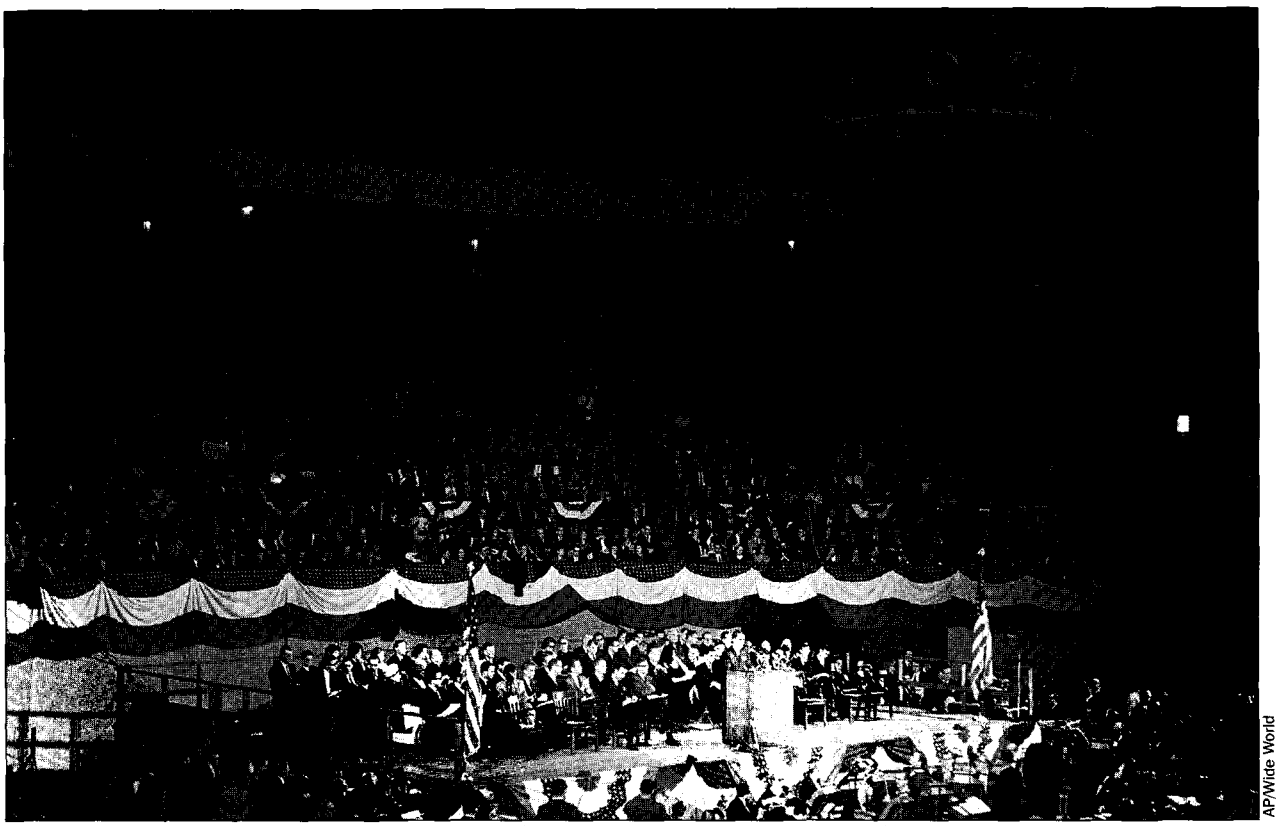

AP/Wide World

Some 20,000 YAFers gather at Madison Square Garden on March 7, 1962

than make it up as they went along. There were, of course, some very serious people on the left—Gitlin, a former SDS president, was one of them—but generally left-wing radicals behaved as if their parents were out of town, while conservatives acted as if they were on their first summer job at their dad's office.

This explains some of YAF's cultural obscurity, and a shortcoming of Andrew's book. YAF—unlike SDS, SNCC, the Black Panthers, and the rest—was an organization largely directed by its elders. In a sense, YAF really did have founding fathers. William F. Buckley Jr., William Rusher, M. Stanton Evans, Frank Meyer, and PR guru Marvin Liebman gave birth to the group and nurtured it. The achievements of YAF's student leaders—then and now—should not be diminished, but the story of YAF largely concerns Buckley and the *National Review* conservatives. The Sharon conference was held at Buckley's estate, and the Sharon Statement was drafted at the direction of Evans and Meyer, which probably explains why it was so well written and concise (the Port Huron Statement runs about 50 pages, Sharon under 370 words).

Generational conflicts are by definition negligible in a movement dedicated above all to the "eternal truths." That is why a discussion of YAF is impossible without an examination of *National Review*, the purging from respectable conservatism of the John Birch Society, the Faustian embrace of the traditionalists and the Randians, and the pitched battle of the Goldwaterites and the Nixonites. Andrew endeavors to include all of these elements, but he is stuck with YAF as the dog, instead of the tail.

The greater disservice of the book is that Andrew takes what is an exciting story about the power of ideas and the people who champion them and turns it into an exceedingly dull one about internal memo-writing. Andrew's meticulous research unnecessarily bleeds the drama and personality out of this story of conservative visionaries. But, thankfully, he is only one of a new cadre of academics investigating the conservative movement's long march to victory in the battle of ideas.

Head yippie Abbie Hoffman once observed that the first duty of a revolutionary is to get away with it. While left-wing protest politics were wreaking havoc on institutions and individuals, a band of committed young conservative men and women were "getting away with" their own revolution—by dedicating themselves to the painstaking restoration of some very old ideas and applying them to a society in flux. Thirty years later, after ruining much and building little, leftist radicals have few accomplishments to look back on with pride. Meanwhile, with their ideas capturing the field at home and abroad, their right-wing counterparts have reason to relax a bit, in acknowledgment of victory achieved. ♦

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Parody

Commonwealth of Massachusetts

Office of the Governor

1. viii. 1997

Dear Senator Helms,

I am hopeful of finding the common ground on which we both stand as Republicans, as Americans, as men of good bloodline. In fact, the two of us have a great deal in common:

- You represent the good people of Green Valley, North Carolina. I have my polo mallets made there!
- North Carolina is a big cotton-picking state. I never wear anything but!
- You were one of the stars of White Rage: Faces of Ignorance. I loved that movie! I saw it five times when I was auditing Herbert Marcuse's course "Intolerance" at Brandeis!

True, some differences remain. I, perhaps, envision a smaller rôle for the Ku Klux Klan in Massachusetts than you do in North Carolina. But as Frantz Fanon said, more unites than divides us. Let us never forget that you and I are both heirs to the noblest part of the century— The Party of Stassen! Of John Anderson and Ed Brooke! Of Charles Percy and Nelson Rockefeller!

What the Ripon Society has joined let no man put asunder.

Bill Weld

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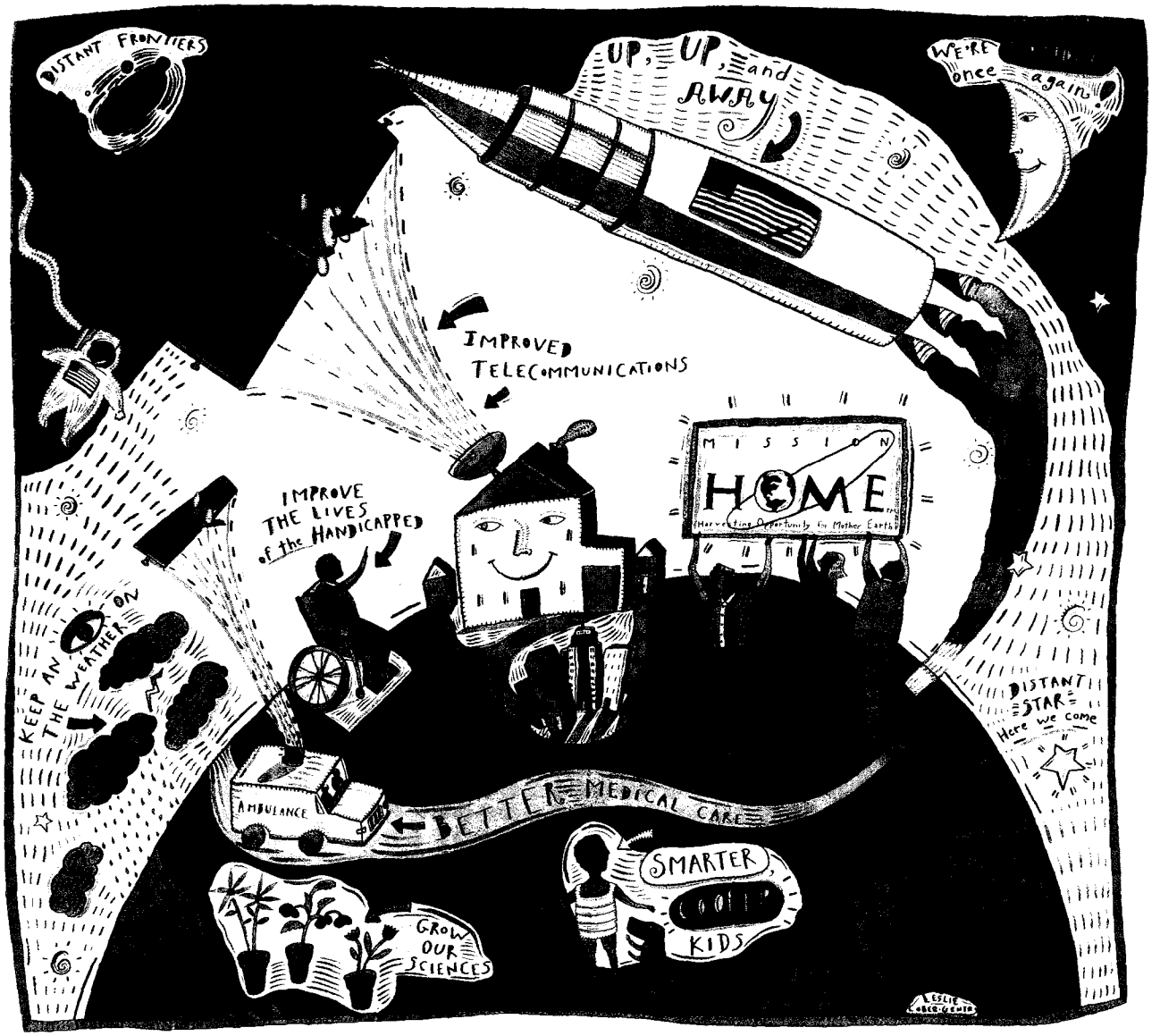

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